

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, April 26, 1909, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 23, 1909.

MINISTER TO COLOMBIA.

Elliott Northcott to be envoy extraordinary and minister plenipotentiary of the United States of America to Colombia.

REGISTER OF THE LAND OFFICE.

William H. Batting to be register of the land office at Coeur d'Alene, Idaho.

POSTMASTERS.

CALIFORNIA.

Clarence Beckley, at Santa Paula, Cal.

FLORIDA.

Fannie Adams, at Paxton, Fla.

ILLINOIS.

G. B. Bushee, at Buda, Ill.

Clark M. Piper, at Bridgeport, Ill.

IOWA.

S. H. Carhart, at Mapleton, Iowa.

A. W. Hakes, at Rock Valley, Iowa.

KANSAS.

William J. Waterbury, at Haven, Kans.

MISSOURI.

James D. Bush, at Marceline, Mo.

Benjamin F. Guthrie, at Milan, Mo.

John W. Moore, at California, Mo.

NEBRASKA.

John A. Schleef, at Overton, Nebr.

NEW JERSEY.

Peter Hall Packer, at Sea Bright, N. J.

NEW YORK.

Albert S. Harris, at New Hartford, N. Y.

Samuel P. Poole, at Hicksville, N. Y.

NORTH DAKOTA.

Sarah A. Barry, at Hettinger, N. Dak.

Anton Berger, at Milnor, N. Dak.

OREGON.

Anna G. Baskett, at Freewater, Oreg.

Lee Rowell, at Sheridan, Oreg.

Mary E. Walker, at Bandon, Oreg.

SOUTH CAROLINA.

William M. Floyd, at Spartanburg, S. C.

WEST VIRGINIA.

A. S. Overholt, at Marlinton, W. Va.

SENATE.

MONDAY, April 26, 1909.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington. The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Rome Brass and Copper Company, of Rome, N. Y., remonstrating against the proposed duty of 1 cent per pound on zinc contents of ore, which was ordered to lie on the table.

He also presented the petition of R. A. Magly, general manager of the Bessie Ferro-Silicon Company, of Columbus, Ohio, and sundry other manufactures of ferrosilicon in the United States, praying for an increase of the duty on that commodity, which was ordered to lie on the table.

He also presented a petition of the American Newspaper Publishers' Association, praying for a reduction of the duty on wood pulp and print paper, which was ordered to lie on the table.

He also presented a memorial of the American Paper and Pulp Association, remonstrating against a reduction of the duty on wood pulp and print paper, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Tacoma, Wash., praying for the enactment of legislation to establish a line of steamships between the Pacific coast ports and Panama, to be operated in connection with the Panama Railroad, which was referred to the Committee on Commerce.

He also presented a petition of certain citizens of Porto Rico, praying for a settlement of their claims for property taken by the United States, and remonstrating against the compulsory order from the commander of the naval station requiring them to remove or destroy their buildings on this property by the 1st of August without any indemnification or payment of damages, etc., which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a joint resolution of the legislature of Pennsylvania, which was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
STATE OF PENNSYLVANIA,
March 22, 1909.

Joint resolution petitioning our Senators and Representatives in Congress to enact more stringent immigration laws.

This is to certify that the following is a true and correct copy of a resolution passed the above date:

Whereas the dumping of a million immigrants into the United States annually is a fact for which world offers no precedent and is a menace to American institutions, the American home, and the American laborer; and

Whereas there are now many bills before the Congress of the United States for the better regulation of immigration and the revision of the tariff; and

Whereas the regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

Whereas a protective tariff without proper immigration regulation is a travesty on the industrial problem: Therefore be it

Resolved by the house of representatives of the State of Pennsylvania, That we respectfully request our Senators and Representatives in Congress to enact more stringent immigration laws to protect our people, both native born and naturalized, against wholesale immigration from foreign lands.

THOMAS H. GARVIN,
Chief Clerk House of Representatives.

Mr. CUMMINS presented petitions of sundry citizens of Iowa, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. SCOTT presented a memorial of sundry citizens of Wheeling, W. Va., remonstrating against the retention of the proposed drawback feature of the so-called "Payne tariff bill" relative to tin plates, which was ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Illinois, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the Chicago Association of Commerce, of Chicago, Ill., praying for the appointment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the Live Stock Exchange of Chicago, Ill., remonstrating against the repeal of the duty on hides and wool, which was ordered to lie on the table.

Mr. DU PONT presented a petition of Rural Grange, No. 10, Patrons of Husbandry, of Cheswold, Del., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. OLIVER presented a memorial of sundry citizens of Bradford, Pa., remonstrating against the repeal of the duty on petroleum and its by-products, which was ordered to lie on the table.

He also presented a petition of Pomona Grange, Patrons of Husbandry, and of the Farmers' Association of Franklin County, Pa., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

Mr. CLARKE of Arkansas presented petitions of sundry citizens of Arkansas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. HALE presented the memorial of Mrs. Henry A. Appleton and sundry other citizens of Bangor, Me., remonstrating against the proposed increase in the duty on gloves and hosiery, which was ordered to lie on the table.

Mr. JONES presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the enactment of legislation to establish a line of steamships between the Pacific coast ports and Panama, to be operated in connection with the Panama Railroad, which was referred to the Committee on Commerce.

Mr. LODGE presented petitions of sundry citizens of Webster, Whitinsville, Beverly, Salem, Merrimac, and Haverhill, all in the State of Massachusetts, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FLETCHER presented petitions of sundry citizens of High Springs, Fla., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented a petition of the Napanoch Knife Company, of Napanoch, N. Y., and a petition of the Elster Knife Company, of Ellenville, N. Y., praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

Mr. CURTIS presented petitions of Jennings and Plainville, in the State of Kansas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Seattle, Alderton, and Harrington, all in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of Typographical Union No. 202, American Federation of Labor, of Seattle, Wash., praying for a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Tacoma, Wash., praying for the enactment of legislation to establish a line of steamships between the Pacific coast ports and Panama to be operated in connection with the Panama Railroad, which was referred to the Committee on Commerce.

Mr. LA FOLLETTE. I present a resolution adopted by the common council of Portage, Wis., relative to the improvement of the levee along the north bank of the Wisconsin River. I ask that the resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution 72. Adopted by the common council of the city of Portage, Wis.

Whereas a part of the levee along the north bank of the Wisconsin River at Portage, to wit, about 3½ miles of the lower part of such levee, locally known as the government levee, is in urgent need of immediate repairs; and

Whereas this part of the levee was built by the General Government in 1888, and maintained by the General Government until about 1900, since which time no repairs have been made; and

Whereas it is generally understood that the General Government still holds the right of way and has the legal control of this part of the levee, preventing the state, county, or city authorities from repairing or exercising control over the same; and

Whereas said levee is a necessary protection to the government canal leading from the Wisconsin River to the Fox, as well as the improvement in the Fox River in aid of navigation, both of which works have been done by the General Government at large expense, and to protect which this levee was originally built; and

Whereas not alone the important government works above mentioned need the protection of this levee, but the safety of the residents of the upper Fox River valley, and particularly that of a large portion of the city of Portage depend upon it; and

Whereas the city of Portage is utterly unable, from a financial standpoint, to make the repairs which are immediately needed on said levee.

Resolved, That the common council of the city of Portage urgently requests that measures be promptly instituted leading to the repair, by the General Government, of that part of the government levee herein referred to such repairs being imperative and conditions not admitting of delay; and

Resolved, That a copy of this resolution be immediately sent to each of the Wisconsin Members of Congress.

M. J. DOWNEY, Mayor.
FRED F. GOSS, City Clerk.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GUGGENHEIM:

A bill (S. 1987) granting an increase of pension to Hiram W. Foss (with the accompanying paper);

A bill (S. 1988) granting an increase of pension to Rudolph Kremmling; and

A bill (S. 1989) granting a pension to Sadie M. W. Likens; to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 1990) granting an increase of pension to Junius Thomas Turner; to the Committee on Pensions.

(By request) A bill (S. 1991) for the relief of Thomas Fahey (with the accompanying paper); and

A bill (S. 1992) for the relief of the heirs of T. L. P. Cronmiller, deceased (with the accompanying paper); to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 1993) granting a pension to M. Tryphena Phelps; to the Committee on Pensions.

A bill (S. 1994) to place James Clayland Mullikin on the retired list of the United States Army with the rank of colonel of infantry, to date from the 27th day of May, 1905; to the Committee on Military Affairs.

A bill (S. 1995) for the relief of John H. Cox, surviving partner of John H. Cox and John H. Ford, copartners, trading as Ford, Cox & Co.; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 1996) to authorize the Secretary of War to furnish two cannons to the George McKenley Post, No. 92, Cannon Falls, Minn.; to the Committee on Military Affairs.

By Mr. PERKINS:

A bill (S. 1997) to limit and fix the compensation of certain officials in the customs service at the port of San Francisco; to the Committee on Finance.

By Mr. TALIAFERRO:

A bill (S. 1998) granting an increase of pension to Edward J. Murphy (with the accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 1999) granting an increase of pension to Joseph A. Root; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 2000) granting a pension to Lottie I. Brown (with the accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2001) granting an increase of pension to Lucy A. Graves; to the Committee on Pensions.

MANNING OF RAILWAY TRAINS.

Mr. BORAH introduced a bill (S. 1986) to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains, which was read twice by its title and referred to the Committee on Education and Labor.

Mr. KEAN. The Committee on Commerce has, I think, generally considered that matter.

The VICE-PRESIDENT. The Senator from Idaho requested that the bill be referred to the Committee on Education and Labor, and therefore the Chair made that reference.

Mr. GALLINGER. It ought to go to the Committee on Interstate Commerce.

Mr. BORAH. I think it should properly go to the Committee on Education and Labor.

Mr. KEAN. The Committee on Interstate Commerce has had charge of all the safety-appliance legislation that has ever been passed here.

Mr. BORAH. This does not refer alone to the question of safety appliances, but to the question of manning trains, and I think it very properly goes to the Committee on Education and Labor.

Mr. KEAN. I understand that the Senator from Idaho is chairman of that committee and desires to have the bill referred to it. I think it properly belongs to the Committee on Interstate Commerce, but I will make no further objection.

AMENDMENTS TO THE TARIFF BILL.

Mr. DU PONT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BURTON submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. PILES submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. TALIAFERRO submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United

States, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. ELKINS submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

INCREASED HEAD TAX ON IMMIGRANTS.

Mr. OVERMAN. I submit an amendment intended to be proposed by me to House bill 1438, the pending tariff bill. I ask that it be read and referred to the Committee on Finance.

The amendment was read and referred to the Committee on Finance, as follows:

Amendment intended to be proposed by Mr. OVERMAN to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, viz:

Add after paragraph 11, to be numbered paragraph 11½, the following:

"There shall be levied, collected, and paid a tax of \$10 for every alien entering the United States, in the manner and under the rules

and regulations provided in section 1 of the act of February 20, 1907, entitled 'An act to regulate the immigration of aliens into the United States.'"

Mr. OVERMAN. Mr. President, at some future time during the course of this debate I desire to make some remarks in favor of the adoption of this amendment. I beg now to state that if it is the intention at this extra session of Congress to provide revenue and at the same time to protect American labor this amendment will go further toward the latter and toward a just provision of the former than any provision in the pending tariff bill. I estimate that under its operation there would be collected an annual revenue of at least nine or ten millions of dollars.

In 1882 there was imposed a "duty" of 50 cents upon the transportation companies for every passenger "not a citizen of the United States" brought here by water. A test case was made and it went to the Supreme Court and was held to be constitutional in the Head Money cases (112 U. S., 580). Twelve years later, in 1894, by a rider on an emergency act this "duty" of 50 cents was designated as a "head tax" and increased to \$1, further increased to \$2 in 1903, and still further increased in 1907 to \$4.

From the annual reports of the Commissioner-General of Immigration I have had prepared a table, which I ask to have printed in the RECORD as a part of my remarks.

The table referred to is as follows:

Table showing immigration, emigration, debarred, and condition of the immigrant fund for the last ten years.
[Compiled from annual reports of Commissioner-General of Immigration.]

Year ending June 30—	Immigrant alien arrivals. ^a	Nonimmigrant alien arrivals. ^a	Total alien arrivals. ^a	Total alien departures. ^b	Debarred aliens. ^c	Head tax per capita. ^{d,e}	Immigrant fund. ^f			
							Head-tax receipts. ^{g,h}	Expenditures, etc. ⁱ	Annual surplus. ^j	Annual deficit. ^k
1899	311,715	45,000	356,715	172,837	3,798	\$ 1.00				
1900	448,572	65,635	514,207	206,351	4,246					
1901	487,918	74,950	562,868	209,318	3,516					
1902	648,743	82,055	730,798	220,103	4,974					
1903	857,046	64,269	921,315	247,559	8,769	2.00				
1904	812,870	27,844	840,714	332,019	7,994		\$1,599,472.25	\$1,486,211.93	\$113,261.32	
1905	1,026,499	33,256	1,059,755	385,111	11,879		2,082,873.50	1,631,232.05	451,641.45	
1906	1,100,735	65,618	1,166,353	356,257	12,432		2,290,901.56	1,670,708.56	620,193.00	
1907	1,285,349	153,120	1,438,469	431,306	13,064	4.00	2,782,103.68	2,163,835.95	618,277.73	
1908	782,870	141,825	924,695	714,823	10,902		2,500,000.00	5,028,598.22		\$2,528,598.22
Total	7,762,317	753,572	8,515,889	3,275,589	81,574					

^a Official government statistics.

^b Statistics furnished to the Government by steamship companies.

^c The first head tax was a "duty of 50 cents" levied by the immigration act of August 3, 1882, "on all passengers not citizens brought to the United States by steam or sail vessel," and was held constitutional by the United States Supreme Court in 112 U. S. 580.

^d "Head-tax receipts" include rentals and other payments of money received for the commissary, the money changing, and the other privileges at the various immigration stations, which offset refunds of head taxes paid erroneously, drawbacks on "aliens in transit" leaving the country, etc.

^e By rider on an emergency act of 1894.

^f Immigration act March 3, 1903.

^g Immigration act of February 20, 1907.

^h The sundry civil appropriation act of March 3, 1909, abolishes the immigrant fund as a special fund July 1, 1909, and directs all receipts to be covered into the general or miscellaneous receipts of the Treasury.

ⁱ This deficit reduced the balance on hand at the beginning of the last fiscal year (\$3,079,515.26) to \$550,917.04.

This table shows some astonishing and startling facts. From this table, covering the last ten fiscal years, it will be seen that 8,515,889 aliens, immigrant and nonimmigrant, have come to this country, and nearly half that number, 3,275,589, aliens have gone back. I have here a financial statement, taken from the last annual report of the Commissioner-General, to which I beg to call the attention of the Senate.

Financial statement, immigrant fund, for fiscal year ended June 30, 1908.

DISBURSEMENTS.	
Special appropriations not heretofore deducted	\$1,334,529.13
Special appropriations, current year (1908)	1,718,677.14
Miscellaneous and regular expenditures (1908)	1,975,391.95
Total disbursements for 1908	5,028,598.22
ASSETS.	
Receipts for 1908	2,500,000.00
Deficit for 1908	2,528,598.22
Balance in immigrant fund, July 1, 1907	3,079,515.26
Deficit for 1908	2,528,598.22
Balance on hand July 1, 1908	550,917.04

For the fiscal year ending June 30, 1908, the expenditures for the Immigration Service out of the immigrant fund exceeded the receipts from head taxes, rentals, and privileges by \$2,528,598.22, the receipts being \$2,500,000 and the expenditures being \$5,028,598.22. Of course the actual excess of Immigration Service expenditures over Immigration Service receipts was \$1,607,630.28, as the actual receipts were \$3,420,967.94, only \$2,500,000 of which, under the immigrant fund limitation provision contained in the act of February 20, 1907, being specially credited

to the immigrant fund, the balance, \$928,967.94, being converted into the miscellaneous receipts of the United States Treasury.

During the previous fiscal year (1907) the receipts (\$2,782,103.68) of the immigrant fund only exceeded the expenditures (\$2,163,825.95) by \$618,277.63, even though that year was the banner immigration year in the history of our country, 1,438,469 aliens (immigrant and nonimmigrant) entering the United States. There is a great need of enlarging existing immigration stations, providing better hospital and other quarters for the care and treatment of detained aliens, building new stations throughout the South and West, as well as along the border, and especially for enforcing the law and detecting smuggling. Not only is additional revenue from an increased head tax needed for meeting the needs at our ports of entry, but this source of raising revenue should be utilized to help defray the General Government expenses.

Mr. President, taking the testimony of experts who appeared before the Industrial Commission a few years ago, I think I can demonstrate that the immigrants who have departed from this country in the last ten years have taken back to the countries from which they came nearly a billion dollars. Last year there left this country during the panic over 700,000 aliens, and it is estimated that they took from this country the enormous sum of from \$200,000,000 to \$500,000,000.

Mr. President, this tax is constitutional and it is a just tax. I say if an immigrant can not pay \$10 he ought not to be allowed to come here. Such an amendment as this means not only revenue to the Treasury, but it means a more select class of immigrants, and therefore the protection of American labor and everything American.

It will go far toward equalizing the steerage rates from European points to this country and putting us on a footing of equality with other countries. At present the steerage rates to the United States are from \$8 to \$60 less than to other countries, consequently the present enormous ever-increasing alien influx. Last year's ebb is but the harbinger of another flood tide, running much higher than the last, and has, in fact, already set in with the very first signs of industrial revival.

The present class of immigrants, in the main, come here like birds of passage, to pick up what they can find and bear it away, and will not go as did the immigrants of the olden time out into the West and onto the frontier. They share in the blessings and privileges of this great Government, often supplanting the American—native or naturalized—who has a home and family and pays taxes. They share its opportunities and benefits, undertake none of its burdens, and contribute nothing to its

support. Granting that all of it falls on the newcomer, which I deny, why should not a tax of \$10 be collected of them for the purposes of defraying all the Immigration Service expenses, contributing something to the support of the Federal Government, and by way of keeping out the more shiftless, less industrious and less frugal?

An increase in the head tax to \$10 is needed for each and every one of these purposes. The steerage rates to this country are cheaper than to any other country, making it the cheapest country in the world for Old World emigrants to reach. It is no wonder that it is the only dumping ground for the surplus populations of every foreign country. I have some astounding figures here. I have a table which I wish to incorporate in my remarks, showing the comparatively small number of European immigrants that go to other countries, like South America, Africa, Canada, and Australia, as follows:

Table comparing the immigration and emigration of certain other countries with that of the United States.
[Compiled from official immigration reports, consular reports, Monthly Bulletin of South American Republics, etc.]

Year.	United States.		Canada.		Australia.		Peru.	Brazil.		Argentine Republic.	
	Total alien arrivals.	Total alien departures. ^a	Alien arrivals from Old World.	Alien arrivals from United States.	Alien immigration.	Alien emigration.	Alien immigration.	Alien arrivals.	Alien departures.	Alien arrivals.	Alien departures.
1899.....	356,715	172,837	^a 32,508	^a 11,945	-----	-----	1,107	85,130	-----	31,784	25,070
1900.....	514,207	206,351	15,352	8,543	-----	-----	1,663	29,121	-----	29,922	22,932
1901.....	562,868	209,318	31,182	17,987	-----	-----	1,014	26,292	-----	39,541	29,767
1902.....	730,798	220,103	40,991	26,388	274,105	243,507	-----	-----	-----	21,488	28,629
1903.....	921,315	247,559	78,891	49,473	-----	-----	-----	18,161	36,410	21,579	24,776
1904.....	840,714	332,019	85,101	45,229	-----	-----	-----	27,751	32,179	35,359	23,925
1905.....	1,059,755	385,111	102,594	43,698	-----	-----	-----	-----	-----	50,541	25,895
1906.....	1,166,353	356,257	^b 54,780	^b 30,971	-----	-----	-----	-----	-----	-----	-----

^a First six months of 1900; change made from calendar to fiscal year.

^b First nine months fiscal year 1906.

^c These particular statistics furnished voluntarily by the steamship companies, but required so to do beginning July 1, 1907, by immigration act of February 20, 1907.

An increase in the head tax will bring us a better and more desirable class of immigrants. If the steamships can not fill their steerage with the less desirable, they will fill them with the more desirable. As a general rule, the possession of some money and the willingness to pay something to get into this country is certainly some test of a man's fitness for the struggle for existence, of his ability to take care of himself, of his likeliness not to become a public charge, of his industry, frugality, sobriety, and of the probability of his adding to the wealth, industry, and further upbuilding of this great country.

The steamship companies at present, according to the testimony of their officials before the Industrial Commission, fix the steerage rates on the principle of monopoly price, charging the traffic what it will bear, being associated together in pools, and having entered into agreements for that specific purpose. Therefore I believe that the present head tax of \$4 is borne entirely by these foreign transportation companies. They pay practically no taxes here. Judging from the continual construction of larger and better ocean liners and the frequent establishment of new lines, the business must pay handsomely.

They promote this immigration. They send out their agents, like insurance and book agents, and employ subagents, all over Europe to induce any and all kinds of immigrants to make the journey here. They will pay the larger part, if not the whole, of this tax. The immigrant to-day knows nothing of the existence of the present tax, and would probably bear little, if any, of an increase of \$6, or even much more.

During the past thirty years steerage rates have doubled. The steamship lines running to the United States are foreign companies, owned by foreign corporations, operated by foreigners, paying taxes abroad, and contributing practically nothing in the way of revenue, directly, to the support of this Government. It is estimated by Mr. Prescott F. Hall that the direct cost to the steamship companies of bringing an immigrant to the United States is \$1.50 for food per passenger. Mr. Hermann Schultels, a member of the United States commission which investigated the subject thoroughly abroad during the nineties, estimated the immediate cost for food, and so forth, at \$1.70. Other experts have estimated the total cost at not more than \$7 per steerage passenger. It is true that some of the steamship lines have not paid dividends recently, but others have paid as high as 17 per cent, according to testimony before the Industrial Commission eight years ago. An investigation into the capitalization, of the International Mercantile Marine shows its total capital to be over \$194,000,000, with only 132 boats of all descriptions afloat. In view of such an injection of water it

is no wonder that its surplus was only \$4,033,730.92 January 1, 1908.

An increase in the head tax would perhaps be divided between the alien and the foreign steamship companies, neither of which, as a rule, directly contribute anything at present to our state or national treasuries in the way of taxes. The average alien now coming in as a result of the profit-making steamship companies shifting the source of our foreign immigration recently from northwestern Europe to southeastern Europe and western Asia, comes to this country merely to stay for a while, picking up whatever he can find and carry it back to his foreign land. During the past ten years 8,515,889 aliens, "immigrant" and "nonimmigrant," have entered the United States and 3,275,589 aliens, almost one-half of the arrivals, have left this country, taking with them millions of dollars; and to my mind this exodus, with its bags of gold, the parsimonious savings of one or two years, is largely responsible for our recent financial stringency. Mr. W. H. Allen, a financial writer of Brooklyn, N. Y., in testifying before the Industrial Commission, estimated that foreigners took out of the country fully \$118,000,000 in one year. Mr. John J. Quinlan, a contract-labor inspector, testified before the Industrial Commission that he had examined personally groups of Italians leaving the country and found that they had all the way from \$200 to \$1,000 apiece.

Mr. Adolfo Rossi, the Royal Commissioner of emigration of Italy, is reported, by Mr. Herbert F. Sherwood, special correspondent of the Liberal Immigration League, a propagandist society of New York City, who accompanied the Immigration Commission on its trip abroad two years ago, to have said, in speaking of the recent emigration from Italy to the United States:

This large emigration is the ruin of the small land proprietors, as they can not cultivate their land. It has provided a good market for their land and made it more valuable, however, because many of the returning emigrants have had the money and the desire to buy parcels for themselves. Many emigrants come back with \$2,000 or \$3,000 and buy land.

Further on in his report to the Liberal League, Mr. Sherwood, who was with the Immigration Commission, says:

From what I can gather, Austria is passive in her attitude toward emigration in view of a yearly influx of \$10,000,000 a year from America because of it. On the contrary, Hungary is looking upon it with some alarm, notwithstanding an annual augmentation of her capital of more than \$20,000,000 due to it.

But, further on, Mr. Sherwood says:

For instance, one man who ought to know says that at the present time the Hungarian Government has no specific agreement with the Cunard Line. Another, who ought to be equally well informed, de-

clared that it has. However that may be, it is evident that the authorities have a definite understanding of some sort with the English company.

Mr. Sherwood here refers to a secret contract which United States Immigrant Inspector Marcus Braun discovered on his European tour of inspection in 1904, and by which the Hungarian Government agreed to furnish, and the Cunard Line agreed to carry away, a minimum of 30,000 steerage passengers per year.

Such a scandalous condition of affairs ought to be corrected by drastic legislation, and I hope that the Immigration Commission, when it reports next session, will propose effective remedies in line with the urgent needs of the alarming situation.

Mr. President, I have resolutions here from state legislatures, farmers' unions, labor unions, patriotic societies, representative organizations, societies, and the statements of representative prominent persons clearly showing the keen, decided, universal interest in the question and great demand for legislation, some of which I ask to have printed in the Record at the conclusion of my remarks and to which I beg to call the attention of every Member of the Senate.

To show the outrageous way in which foreign steamship lines are making use of the United States and the urgent need of legislation along this line, I wish to read two paragraphs from the official report of a special immigrant inspector sent abroad several years ago and still in the service of the Department of Commerce and Labor, and then I am through. It is House Document No. 384, 1st session, 59th Congress. In it United States Immigrant Inspector Marcus Braun says:

Immediately upon my arrival on the European Continent I noticed a feverish activity among the various steamship agents with reference to the business from Hungary. I saw tons of enticing literature shipped to that country, and I learned that enormous commissions were being offered to subagents.

These conditions, coupled with the arrogant and widespread assumption that this country is but an asset of a large number of Europeans, subject only to their desires and orders, is such that if universally known in this country it would drive the blood of humiliation into the face of every good American, and a description of which would defy the pen of a Macaulay.

Therefore, Mr. President, I have submitted this amendment, and I earnestly ask the committee to give it their "earnest and careful consideration." I believe it will raise at least nine or ten million dollars of revenue, from sources at present contributing comparatively nothing to the support of the Federal Government, and will certainly tend to give us, in addition, a better class of immigrants. As shown by the statistics in the first table, the vast majority of the present alien influx come here simply for the purpose of finding temporary employment, living on practically nothing, only a few years later to carry away to foreign lands their miserly savings. They pay no taxes and either take or send their money back to their native lands, intensifying financial stringencies and constantly draining our resources, undermining the standards of living of American workingmen, our cherished institutions, and our very civilization itself.

The matter ordered to be printed in the Record at the conclusion of the Senator's remarks is as follows:

House joint resolution 15.

Joint resolution petitioning our Senators and Representatives in Congress to enact more stringent immigration laws.

Whereas the dumping of a million immigrants into the United States annually is a fact for which the world offers no precedent and is a menace to American institutions, the American home, and the American laborer; and

Whereas there are now many bills before the Congress of the United States for the better regulation of immigration and the revision of the tariff; and

Whereas the regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

Whereas a protective tariff without proper immigration regulation is a travesty on the industrial problem: Therefore be it

Resolved by the general assembly of the State of Ohio, That we respectfully ask our Senators and Representatives in Congress to enact more stringent immigration laws to protect our people, both native-born and naturalized, against wholesale immigration from foreign lands.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

OHIO, UNITED STATES OF AMERICA,
Office of the Secretary of State:

I, Carmi A. Thompson, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office and in my official custody as secretary of state, as required by the laws of the State of Ohio, of a joint resolution adopted by the general assembly of the State of Ohio on the 12th day of March, A. D. 1909.

In witness whereof I have hereunto subscribed my name and affixed my official seal at Columbus this 15th day of April, A. D. 1909.

[SEAL.]

CARMI A. THOMPSON,
Secretary of State.

HOUSE OF REPRESENTATIVES,
STATE OF PENNSYLVANIA,
March 22, 1909.

This is to certify that the following is a true and correct copy of a resolution passed the above date:

"Whereas the dumping of a million immigrants into the United States annually is a fact for which the world offers no precedent and is a menace to American institutions, the American home, and the American laborer; and

"Whereas there are now many bills before the Congress of the United States for the better regulation of immigration and the revision of the tariff; and

"Whereas the regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

"Whereas a protective tariff, without proper immigration regulation, is a travesty on the industrial problem: Therefore be it

Resolved by the house of representatives of the State of Pennsylvania, That we respectfully request our Senators and Representatives in Congress to enact more stringent immigration laws to protect our people, both native born and naturalized, against wholesale immigration from foreign lands."

THOMAS H. GARVIN,
Chief Clerk House of Representatives.

Joint resolution to oppose in every possible manner the influx into Virginia of immigrants from southern Europe.

Resolved by the senate of Virginia (the house of delegates concurring), That our representatives in both Houses of Congress be, and they are hereby, requested to oppose in every possible manner the influx into Virginia of immigrants from southern Europe, with their Mafia and Black Hand and murder societies, and with no characteristics to make them with us a homogeneous people, believing as we do that upon Anglo-Saxon supremacy depends the future welfare and prosperity of this Commonwealth, and we view with alarm any effort that may tend to corrupt its citizenship.

Agreed to by general assembly of Virginia February 14, 1908.

JNO. W. WILLIAMS,
Clerk House of Delegates and Keeper of Records of Virginia.

Whereas it is proposed to distribute and divert foreign immigrants to the agricultural districts of the South and West; and

Whereas a federal bureau has been established and state immigration bureaus are proposed for that purpose; and

Whereas we are unalterably opposed to such and to the present enormous alien influx as detrimental to the best interests of the farming communities and the welfare of our whole country: Therefore be it

Resolved, That the Farmers' Educational and Cooperative Union of America in national convention assembled, at Memphis, Tenn., this 8th day of January, 1908, and representing 2,000,000 of farmers, urge upon Congress the immediate abolition of the federal bureau of distribution and the speedy enactment of laws substantially excluding the present enormous alien influx by means of an increased head tax, a money requirement, the illiteracy test, and other measures; and that we call upon our public and especially our state officials to prevent the agricultural section from becoming a dumping ground for foreign immigrants.

Whereas foreign immigration is being advocated for southern and western farming communities; a United States immigration commission is investigating the subject and a federal bureau is being established for the purpose of distributing and diverting foreigners; and

Whereas the present flagrantly lax enforcement of existing laws and the urgent need of additional restrictive legislation will soon result in the agricultural sections of the South and West being made a dumping ground for undesirable southeast European and Asiatic population: Therefore be it

Resolved, That the Farmers' Educational and Cooperative Union of America in its third annual convention at Fort Worth, Tex., this 3d day of September, 1908, and representing over 2,000,000 of farmers, hereby adopts the immigration resolutions passed last January at the annual rally in Memphis, calling for federal and state legislation abolishing immigration bureaus and substantially excluding the present alien influx from southeast Europe and western Asia, and urge upon our federal officials the vigorous enforcement of all immigration laws in order to properly protect the country's welfare and to preserve its institutions, safeguard its citizenship, and preserve its Anglo-Saxon civilization for posterity; and be it further

Resolved, That a copy of these resolutions be sent to each Member of Congress by the chairman of the national legislative committee, with the request that they be printed in the CONGRESSIONAL RECORD, and to the Immigration Commission with the request that they be incorporated in its report; and be it further

Resolved, That the state presidents and lecturers emphasize this one question with a view to having members take it up in conference and by letter with their Congressmen and Senators.

Whereas much of the greatness of the United States is due to the energetic, industrious, and patriotic immigration which came to this country during the past century; and

Whereas a strict execution of the present laws makes it possible to keep out the worst of the pauper and diseased elements of our present European and Asiatic immigration, but these laws admit large numbers of immigrants who are generally undesirable because unintelligent, of low vitality, of poor physique, able to perform only the cheapest kind of manual labor, tending to become a burden upon our large cities, and not available for supplying the need for agricultural laborers; and

Whereas the coming of these undesirable aliens tends not only to lower the standards of American citizenship but also to prevent the coming of immigrants who would be valuable workers in the country districts and who would readily assimilate with our population: Therefore be it

Resolved, That the Farmers' National Congress urges upon the Senators and Representatives of the United States the importance of further judicious regulation of immigration, and in particular demands the enactment of a law raising the present head tax upon immigrants to at least \$10, and excluding absolutely immigrants of poor physique and those who are unable to read in some language.

Adopted September 14, 1905, at Richmond, Va., and still the attitude of the Farmers' National Congress.

GEO. W. WHITAKER,
National Secretary.

APRIL 19, 1909.

Whereas the foreign steamship companies are making this country the only dumping ground for the Old World's least desirable peoples; and
Whereas our public domain is exhausted, population has begun to recoil upon itself, congesting in the large cities and industrial centers, where hundreds of thousands are out of employment and suffering for the common necessities of life; and

Whereas the present class of immigrants is quite detrimental to the best interests of the country's welfare; and

Whereas a Federal Immigration Commission was created over two years ago to investigate the immigration problem; and

Whereas our existing utterly inadequate immigration laws have been notoriously and scandalously relaxed by the recent Secretary of Commerce and Labor's administration of them; and

Whereas a Federal Bureau of Information was created in 1907, which has developed into an advertising device for the stimulation of foreign immigration: Therefore be it

Resolved by the Maryland State Council of the Junior Order of American Mechanics in annual session at Frostburg, this 21st day of April, 1909. That we urge upon Congress the abolition of the Division of Information, the immediate report of the Immigration Commission, the vigorous enforcement of the immigration laws, and the enactment of additional legislation increasing the head tax to \$25, fining the steamship companies \$300 for bringing here any deportable or excludable alien whose condition might have been ascertained at the time of sailing, requiring the possession of visible means of support, excluding persons unable to read in a European language, as is required in South Africa, Australia, and other civilized countries, and such other requirements and tests as will substantially exclude the present undesirable alien influx, protect the country's welfare, and preserve its institutions and civilization.

Resolutions adopted by the *Patriotic Order Sons of America*, assembled at Hazelton, Pa., August 27, 1908.

Whereas the *Patriotic Order Sons of America* has labored consistently for the enactment of laws relating to the regulation of immigration of aliens to the United States. We would therefore record our pleasure at the progress already attained and herein evidence our appreciation of the services of the national committee on legislation of our order and pledge them our continued cooperation in their work.

While recognizing that at present, owing to the prevailing financial stringency, a large number of foreigners are returning to Europe, we should not relax our efforts in legislative matters, as a return of prosperity to the country will again witness the overwhelming influx of aliens to this land: Therefore be it

Resolved, That we reaffirm our belief in the need of an increased head tax and a properly applied educational test in the reception of the foreign born to American shores and American citizenship.

Resolved further, That we oppose any change in the steamship air-space provision of our present law, and insist that a thorough trial of said provision be made before any change be seriously considered by Congress.

C. E. REDECKER,

Secretary National Legislative Committee P. S. O. A.

At a Labor Conference on unemployed and other matters, called by and held in the office of Mr. Oscar S. Straus, the then Secretary of Commerce and Labor at Washington, D. C., February 10-11, 1909, John Mitchell, second vice-president of the American Federation of Labor, said: "What the labor organizations and the laboring men of the country have asked for is that there shall be an increase in the head tax, that there shall be an educational test, that immigrants shall be excluded because of illiteracy. We ask that there be a diminution in the number of people coming to this country, and that the decrease be brought about through the enactment of such amendments to the immigration laws as will keep out the men who are most undesirable. That is what I should like to have done; that is really fundamental to the whole question of unemployment. I make this statement so that the position of the labor unions, so far as it is to have expression through the American Federation of Labor or its affiliated unions, and I believe also through the organizations of the railway brotherhoods, may be understood. The matter of chief concern is the welfare of the men who are now here—either the man who was born in our country or who has already been admitted to our country. It is not the best thing for our country and for its future that the man born here or the man who has been here for years, shall be on the street, and the man who arrived on the ship yesterday shall have a job." (P. 67, Proceedings of the Conference with the Representatives of Labor held in the office of the Secretary of Commerce and Labor, Hon. Oscar S. Straus, February 10 and 11, 1909.)

Mr. Frank Morrison, secretary of the American Federation of Labor, at the same Labor Conference on unemployed said: "Yesterday my position was that I was opposed to the division; I gave my reasons. Now, what I have in mind is that to assist the unemployed we should recommend here to the Secretary that he should recommend certain amendments—I think the department would have that power—to the immigration law. The Federation has taken three very distinct positions. In 1905 it adopted the following, which I will read. It is not as full as what was passed upon by the executive council. It said: 'A further check should be put upon assisted immigration,' etc.

Secretary STRAUS. I think that is practically the fact now.

Mr. GOMPERS. That is the law now.

Mr. MORRISON. That is the law now?

Secretary STRAUS. Yes.

Mr. MORRISON. Well, that was one of the points, but in accordance with the views they recommended that there should be an educational test and an increase in the per capita tax paid (p. 100).

Mr. Frank P. Hawley, president of the Switchmen's Union of America, said: "I was raised in the anthracite-coal regions, and began working at 12 years of age, and have been working ever since. I recall distinctly when the miner was paid \$6 or \$7 a day in the anthracite-coal mines, and his helper about \$3.50 or \$4. But the condition related by Mr. Powderly followed—the importation of foreigners—the pushing out of the American workman. His place has been taken by those foreigners. Go with me to McKeesport, Homestead, Duquesne, Pittsburg, Youngstown, Niles, Cleveland, Lorain, Buffalo, South Chicago, or any other place where they have the Steel Corporation's institutions, and what do you find? A large population composed entirely of foreigners. Go there to-day and you may become acquainted with every one of those laborers. Go away and return five years hence, and you do not know a single one of them—but still they are foreigners. They have accumu-

lated enough money to take them back and live in affluence. That, in my judgment, is a menace to American labor, and should be overcome; and my opinion is that in time the propositions advocated by the American Federation of Labor as explained by Mr. Mitchell this morning will have to be adopted as a protection to the American wage-earner—namely, to put a tax upon those people when they come here, and demand educational requirements. I ask, Is it just to American institutions to bring here such a class of men as that?" (P. 98.)

Whereas the agricultural class of the State of Louisiana, having thoroughly considered every phase of the problem of immigration, see in the promiscuous importation of an undesirable class of citizens in our State a deterioration in the standard of its farming element:

Resolved, That we, the Farmers' Educational and Cooperative Union of America and State of Louisiana, ask our legislators and Senators to express themselves publicly on this issue.

Resolved, That we use our influence with the powers of the State to secure the enactment of such laws as will restrict or prohibit this wholesale importation of a lower class of immigrants.

Attest: G. D. DUPREE, Chairman.

Adopted at Louisiana Farmers' Union state convention, July 31, 1908.

Whereas the distribution of aliens from northern cities and their diversion from abroad to the South is being agitated; and

Whereas the United States Immigration Commission is now investigating the attitude of the South toward these proposals, and there is need of the farmers of Mississippi making known their wishes: Therefore be it

Resolved, That the Farmers' Educational and Cooperative Union of the State of Mississippi is irrevocably opposed to the present tide of undesirable immigration now pouring into this country from sections of Europe, Asia, and Africa which until recently sent us no immigrants, and that we urge all our officials and legislators, both state and national, to use their influence in every possible way to make clear our opposition and to secure reports and legislation that will exclude the present alien influx, which is detrimental to our best interests and to the welfare of our country: And be it further

Resolved, That a copy of these resolutions be sent to our Congressmen and Senators and to the Immigration Commission at Washington: Be it further

Resolved, That the state presidents and lecturers emphasize this one question, and that copies of this resolution be furnished the press. Adopted at the Mississippi Farmers' Union state meeting, July 8, 1908.

Whereas foreign immigration is proposed for the agricultural sections of the South; and

Whereas the Federal Government is especially investigating the attitude of southern planters toward the distribution and diversion of the present alien influx to the South; and

Whereas the farmers of Georgia are unalterably opposed to such, and are in favor of the substantial exclusion of the classes now pouring into this country: Therefore be it

Resolved, That the Farmers' Educational and Cooperative Union of the State of Georgia, representing over 100,000 farmers, in annual convention assembled in Macon, Ga., this 29th day of July, 1908, do hereby express our opposition to foreign immigration, and urge our state and national officials to use their utmost influence in every possible way to secure the substantial exclusion of the present foreign influx and to prevent Georgia being made the dumping ground for foreign immigration; and be it further

Resolved, That a copy of these resolutions be sent to the Immigration Commission and the Commissioner-General at Washington, D. C., and to the Georgia general assembly, and to our Congressmen and Senators, and that the local presidents and lecturers make a special point of this question in their own work.

Whereas foreign immigration is being advocated for the South; and
Whereas a United States Immigration Commission is investigating the attitude of the South, and particularly the attitude of the agricultural classes: Therefore be it

Resolved, That the Farmers' Educational and Cooperative Union of South Carolina make known its opposition to the inducement, distribution, and diversion of the present alien influx from southern Europe and western Asia, and urge our state and national officials, especially Congressmen and Senators, to prevent the Southland being made a dumping ground for foreign immigration; and be it further

Resolved, That the local presidents and lecturers emphasize this question; that copies of this resolution be sent to the Immigration Commission at Washington, D. C., to our Congressmen, and to the press.

Resolved, by the Farmers' Educational and Cooperative Union of America in and by the State Union of South Carolina now in session. Do hereby memorialize and demand that our next session of the general assembly abolish the state immigration bureau, and request that every candidate for the same declare himself upon the stump in the present campaign.

Adopted at Columbia, S. C., July 23, 1908.

Resolution adopted at Tampa, Fla., February 13, 1908, by the immigration convention, composed of delegates from other States representing organized labor, associations, private corporations or interests, and railroads.

Resolved, That the several States carefully consider the question of foreign immigration as a national question, and that our Representatives in Congress be asked to urge upon Congress the enactment of such federal legislation as will effectively stem the tide of undesirable immigration now pouring into this country through the great ports of entry and such laws as will look to the careful examination of applicants for admission at the ports of departure.

Your committee, appointed to submit resolutions relative to the questions of immigration referred to in the general master workman's address, would respectfully submit the following:

We are heartily in accord with the views expressed in the abuses of the immigration laws in turning the bureau of the Department of Commerce and Labor into an advertising agency and an employment bureau for obtaining employment for incoming immigrants, who are thus being furnished better opportunities for securing employment than citizens and residents of this country: Therefore be it

Resolved, That the General Assembly of the Knights of Labor condemn that clause of the present law known as "section 40 of the act of Congress approved February 20, 1907," entitled "An act to regu-

late the immigration of aliens into the United States," and urges upon Congress the immediate repeal of that section of the law, coupled with the abolition of the bureau of information and distribution, which is working grave injury to labor generally in this country.

Resolved, That we urge upon Congress the retention of section 42 of the said act, and the adoption of such further restrictions as will prevent this country from being made the dumping ground of hordes of foreign immigrants for commercial purposes and to the injury of American labor.

Adopted by the National General Assembly of Knights of Labor November 9, 1908.

JOHN W. HAYES,
General Master Workman.
I. D. CHAMBERLAIN,
General Secretary-Treasurer.

Whereas a movement has recently begun in Georgia and other Southern States to promote immigration to the South, and particularly to Georgia; and

Whereas as such efforts to stimulate immigration will result in the settlement in the South, and in Georgia, of a class of foreigners who are unassimilative elements, who may hereafter become citizens of our Republic, thus inevitably tending to modify and even transform social and industrial conditions, revolutionizing and transforming the laws and form of our Government; Therefore be it

Resolved by the Georgia Federation of Labor in convention assembled, That we deplore and earnestly protest against the admission of such immigrants and against the ill-advised efforts of those whose course in soliciting immigrants will, in our opinion, result in the flooding of the South and Georgia with a population composed of the scum of Europe, a people in nowise in sympathy with the spirit of our institutions and form of government, and whose presence in our midst will foment race troubles and tend to destroy the cherished ideals of every loyal Southerner, putting us on a plane with the Northeast, with its tenements crowded with unassimilative pauper labor.

Resolved further, That we call upon our governor-elect, the honorable commissioner of agriculture, the members of the state senate and house of representatives, and our Representatives in the United States Senate and the National House of Representatives, and all other of our public officials who have the interest of the State at heart to use all honorable means within their power to discourage the movement to increase immigration; and that our Representatives in Congress be requested to support such additional legislation as will further restrict immigration, such legislation, in our opinion, making for the preservation of liberties and forms of government which our forefathers fought and died for.

We urge that our Representatives in Congress support such legislation as will require American consuls to examine the records of intending immigrants, and grant certificates to those who are able to read and write their own language, are possessed of a sufficient sum of money to support themselves and their families for a period of at least six months, and whose moral character and health are such as to entitle them to citizenship; that those who reach our shores without such certificates be deported, thus barring from our country anarchists, nihilists, paupers, criminals, the illiterate, and contract laborers.

Resolved further, That we regard the unrestricted importation of labor as calculated to inevitably cause a deterioration of the standard of American citizenship and as inimical to the interests of the members of the Georgia Federation of Labor.

Resolved further, That a copy of these resolutions be forwarded by our secretary to Governor-elect Hoke Smith, the commissioner of agriculture, the Farmers' Cooperative Union, and our Senators and Representatives in Congress.

Unanimously adopted July 21, 1907.

Be it resolved by the national council, Junior Order of United American Mechanics, that:

Whereas the coming of people of anarchistic tendencies and others opposed to established government, of assisted, illiterate, and pauper immigrants, and of Chinese, Japanese, and Korean laborers, endangers the peace and good order of every locality within the United States, and is a menace to American labor, American civilization, and the American standard of living; Therefore be it

Resolved, That we request all the Members of the Senate and House of Representatives to take such measures as may seem wisest to continue and perfect the policy of the United States aiming at the exclusion of all Mongolian laborers. Be it further

Resolved, That we request our Representatives as aforesaid to enact laws to exclude the illiterate, degenerate, pauper, and assisted immigrants and to substantially reduce the number of immigrants coming to our country from European and other countries. Be it further

Resolved, That we protest against special immigration immunity being granted to state officials to foster the growth of immigration under the false plea, "scarcity of labor." Be it further

Resolved, That we request our Representatives aforesaid to enact laws to lengthen to ten years the period of probationary citizenship and to require all aliens to read, speak, and understand the English language before the issuance of final certificate of citizenship and conferring upon them the elective franchise. Be it further

Resolved, That we invite the cooperation of all labor organizations, patriotic societies, and all patriotic people, and urge them to use all honorable means to secure the votes of Senators and Congressmen who will vote for the protection of our country and its institutions against the incoming of millions of people from European and Asiatic countries by the early enactment of proper immigration, exclusion, and naturalization laws; be it further

Resolved, That the national council secretary forthwith transmit a copy of these resolutions to all Members of the Senate and House of Representatives of the United States, to the officers of the executive and legislative departments of all labor organizations and patriotic societies, and to the recording secretary of each council Junior Order United American Mechanics; be it further

Resolved, That all the officers of the national council, state councils, and councils Junior Order United American Mechanics be directed to labor in accordance with the views outlined in the foregoing resolution.

JESSE TAYLOR.
MYRON G. MCCLINTON.

Attest:

MARTIN M. WOODS,
National Secretary.

Whereas the Republican party platforms of 1896 and 1900 contained planks favoring the further restriction of immigration; and

Whereas the representatives of that party have been in complete control of the Congress of the United States for the past ten years and have failed to carry out these pledges: Therefore be it

Resolved by the Brotherhood of Railway Trainmen, in seventh biennial convention assembled, at Buffalo, N. Y., this 24th day of May, 1905, That we criticize the representatives of the Republican party in Congress for their failure to make good their pledges with regard to legislation for a further restriction of immigration.

Plank from the Republican national platform of 1900: "In the further interest of American workmen, we favor a more effective restriction of cheap labor from foreign lands."

Mr. TALIAFERRO. Mr. President—

Mr. KEAN. I should like to ask the Senator from North Carolina a question. What head tax does he propose on immigrants?

Mr. OVERMAN. Ten dollars.

Mr. KEAN. I call the attention of the Senator from North Carolina to the Constitution of the United States.

The VICE-PRESIDENT. The Senator from New Jersey will suspend for a moment. The Senator from Florida has been recognized to present the credentials of his colleague.

SENATOR FROM FLORIDA.

Mr. TALIAFERRO. I present the credentials of my colleague, Hon. DUNCAN U. FLETCHER, who has been elected a Senator from the State of Florida for the term beginning the 4th of March last. I ask that the credentials be read.

The credentials were read and ordered to be filed.

Mr. BURROWS. In view of the fact that Senator FLETCHER has already qualified as a Member of this body and a certificate of election is now presented, I feel that I ought to state the history of this matter.

At the opening of this Congress Mr. FLETCHER presented the certificate of the governor of the State of Florida designating him to supply a vacancy in the Senate from that State under that provision of the Federal Constitution which declares that—

If vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It has recently been decided by the Senate, and I think correctly, that the executive of a State, under the general power to fill a vacancy happening during the recess of the legislature, has no power to make an appointment at the expiration of a term, but a new term must be inaugurated by the legislature itself. The federal statute of 1886 provides that the legislature last chosen before the expiration of a term shall make the choice of a successor. The case in this instance is peculiar. The legislature of Florida elected last November—I believe that was the time—

Mr. TALIAFERRO. November.

Mr. BURROWS (continuing). Did not convene before the expiration of the term and not until the present month, and therefore the legislature last chosen had no opportunity to make a choice of a Senator. In view of the fact that the primary in Florida had already indicated by a decisive vote that Mr. FLETCHER was the choice of the State, and the legislature not meeting until April—until after the expiration of the term—I thought, as chairman of the Committee on Privileges and Elections, it fair and just to allow the appointment to go without question, and trusting the action of the legislature to confirm the appointment.

I may state in this connection that the State of Florida and the State of Georgia are the only States which do not conform to the statutes of the United States by having a meeting of their legislatures some time before the expiration of a term. I thought I ought to say this much in explanation.

Mr. TALIAFERRO. My colleague is present, and I ask that the oath be administered to him.

The VICE-PRESIDENT. The Senator-elect from Florida will present himself at the desk and take the oath of office.

Mr. FLETCHER was escorted to the desk by Mr. TALIAFERRO; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY.

Mr. CLARK of Wyoming submitted the following resolution (S. Res. 38), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 38.

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said

committee, and to have said hearings printed for the use of the committee; that the committee may sit during the sessions of the Senate, and that the expenses thereof be paid out of the contingent fund of the Senate.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed.

Mr. ALDRICH. I ask that House bill 1438 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. BURROWS. Mr. President, I am requested by the junior Senator from West Virginia [Mr. SCOTT], who has been unexpectedly called from the Senate, to state that he would address the Senate to-morrow, after the routine morning business, upon the pending measure.

Mr. ALDRICH. I ask that the paragraphs which have been passed over may now be taken up for consideration. I ask for the reading of the first paragraph which has been passed over.

The VICE-PRESIDENT. The Senator from Rhode Island asks for the reading of the paragraphs which have been passed over in their order. The Secretary will read the first paragraph.

The SECRETARY. On page 3, line 6, paragraph 3, strike out "Alkalies, alkaloids" and insert "Alkaloids."

Mr. ALDRICH. For the committee, I withdraw the amendment offered by the committee in line 7, page 3, inserting the words "extracted resins and oleoresins."

The VICE-PRESIDENT. The Senator from Rhode Island withdraws the committee amendment.

Mr. BACON. I desire to say in the beginning that unless the buzz of conversation both on the floor and in the galleries can be suppressed it is impossible for us to hear accurately what is going on. I do not know, for instance, the number of the paragraph. I do not suppose it is important in this case, but I only make the suggestion.

Mr. ALDRICH. It is paragraph 3.

The VICE-PRESIDENT. The Chair thinks the suggestion of the Senator from Georgia is well timed. The Chair trusts that those on the floor who desire to converse will do so in as low a tone as possible, and the occupants of the galleries are requested to refrain absolutely from conversation.

Mr. BACON. What is the number, I ask, of the paragraph?

The VICE-PRESIDENT. May the Chair have the attention of the Senator from Rhode Island? The Secretary's record shows that the amendment to which he refers has been agreed to by the Senate, in which case, of course, the Senator can not withdraw the amendment.

Mr. ALDRICH. I ask that the action be reconsidered and that the committee be permitted to withdraw the amendment.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. CULBERSON. What paragraph is it?

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 3, line 6, paragraph 3, the Senate agreed to strike out the words "Alkalies, alkaloids" and to insert the word "Alkaloids."

Mr. LODGE. That was agreed to.

The VICE-PRESIDENT. It was agreed to.

Mr. LODGE. That is not the one that is withdrawn. It is the amendment inserting "extracted resins and oleoresins."

Mr. ALDRICH. I was not paying attention.

Mr. LODGE. The first amendment in the paragraph was agreed to, and of course there is no objection to that. This, as the chairman stated, is the amendment inserting "extracted resins and oleoresins."

Mr. ALDRICH. I stated clearly, I thought, the amendment which I desired to withdraw. It is the words "extracted resins and oleoresins."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 7, paragraph 3, after the word "oils," the Committee on Finance reported to insert "extracted resins, and oleoresins."

The VICE-PRESIDENT. This amendment has not been agreed to.

Mr. ALDRICH. It was my understanding that it had not been agreed to.

The VICE-PRESIDENT. The Secretary did not hear the Senator plainly. The amendment is now withdrawn.

Mr. TALIAFERRO. I ask the Senator in charge of the bill why he proposes to withdraw this amendment?

Mr. ALDRICH. There seemed to be a disposition to discuss it the other day when the matter was before the Senate. It is simply a matter of classification, a better classification, and if

there is any desire to have these words out the committee is quite willing to withdraw the amendment. These resins will take care of themselves.

Mr. TILLMAN. Will the chairman of the Finance Committee explain what oleoresin is?

Mr. ALDRICH. It is not an oleostearin.

Mr. TILLMAN. That is what I wanted to find out. I want to ask the Senator in this connection whether it would be necessary to strike out the words "expressed oils" or to insert the words "except cotton-seed oil" in order to accomplish what some of us want to accomplish here?

Mr. ALDRICH. Cotton-seed oil can be put in by itself or it can be inserted in the free list, if the Senator desires.

Mr. TILLMAN. I want it to go on the free list, and I give notice that I shall so move.

Mr. ALDRICH. When the free list is in order.

Mr. TILLMAN. When we get to that. I simply did not want "expressed oil" to go by here without knowing that it is not cotton-seed oil.

Mr. ALDRICH. There are several other expressed oils besides.

Mr. TILLMAN. I want to have cotton-seed oil excepted, or to put cotton-seed oil on the free list somewhere else.

Mr. TALIAFERRO. The committee inserted this amendment and I have not heard yet why they have decided to withdraw it, unless it be that there is some idea that it has some relation to a southern product and they wish to make sure in getting them all on the free list.

Mr. ALDRICH. These oils are used for flavoring. They are not resins of the character which the Senator from Florida is interested in at all. They are dutiable in the opinion of all the experts at 25 per cent now. It was thought desirable that they should be inserted by name, so that there should be no more litigation or question about it. But if there is any desire here to discuss it, the committee thought it more desirable that the amendment should be withdrawn, as the articles are dutiable at 25 per cent under any circumstances.

Mr. TALIAFERRO. No; Mr. President, I do not propose to discuss it. The Bureau of Chemistry, however, defines oleoresin as spirits of turpentine, and as spirits of turpentine it is placed on the free list. I wanted to inquire why the Senator having put this item supposed to be related to a southern industry in the protective list, or in the revenue-paying list, he now wishes to withdraw it?

Mr. ALDRICH. I do not know to whom the Senator refers, but the expert chemists of the Treasury Department in New York say that gingerine and capscine are two of the articles covered by this description. They are used for flavoring and are now dutiable under one interpretation at 25 per cent, which I think is correct; but there has been some litigation and some doubt about it, and to remove those doubts and prevent litigation these experts of the Treasury Department thought that these words ought to be inserted. They pay 25 per cent anyhow, whether in here by name or not.

Mr. TALIAFERRO. It could not pay 25 per cent if it meant spirits of turpentine.

Mr. ALDRICH. They have nothing to do with spirits of turpentine.

Mr. TALIAFERRO. The Senator evidently has not examined the dictionary as to the meaning of the word.

Mr. ALDRICH. I have before me the statement of Doctor Moore, of New York, the chemical examiner at that port, who is one of the best practical chemists in the United States.

Mr. CUMMINS. Mr. President, I rise simply to make a parliamentary inquiry. As I understand it, it was the order of the Senate that any Senator might have the Senate return to any item in the bill, without specifically asking that the item be passed over at the time the bill was read for action on the committee amendments.

The VICE-PRESIDENT. That is correct.

Mr. ALDRICH. That is correct.

Mr. CUMMINS. If now the Senate takes up the paragraphs that were passed over and acts upon the committee amendments, does the order of the Senate still hold as to those paragraphs, and can they be reserved?

The VICE-PRESIDENT. The Chair so understands.

Mr. CUMMINS. In respect to a paragraph passed over and now reached, the Senate can return to the paragraph after the committee amendment has been disposed of?

The VICE-PRESIDENT. The Chair so understands.

Mr. ALDRICH. If the amendments are adopted by the Senate after consideration, then a reconsideration would be necessary. Otherwise, as to the other paragraphs, it is certainly in order to return to them at any time; but after the Senate has voted to adopt an amendment, then a reconsideration would be

necessary before any other amendments could be offered as in Committee of the Whole.

Mr. CUMMINS. I do not quite understand the Senator. When we have disposed of the paragraphs that were passed over, do they stand in exactly the same position as those paragraphs to which there was to be a recurrence?

The VICE-PRESIDENT. The Chair understands that the Senate has now determined to go through the bill and consider first those amendments which have been passed over by request, but it does not abrogate the order in reference to returning to other paragraphs of the bill.

Mr. CUMMINS. But as to those paragraphs which were passed over, if the Senate now concurs in the amendment of the committee, in order to reach them again it would be necessary to have a reconsideration.

Mr. ALDRICH. Unquestionably.

The VICE-PRESIDENT. Yes; so far as the amendment is concerned.

Mr. CULBERSON. On this side of the Chamber we were unable to hear the Senator from Rhode Island. I should be glad if the Chair would state what the rule is, because, from what little we heard, the statement of the Senator from Rhode Island did not seem to us to agree with what was actually determined by the Senate the other day.

Mr. ALDRICH. I will restate my understanding about it. I understand that any paragraph of this bill is now open to amendment by any Senator.

Mr. CULBERSON. Irrespective of what has previously been done?

Mr. ALDRICH. Irrespective of whether it was passed over formerly or not. But now we are taking up the paragraphs that have been formerly passed over, with the view of acting upon committee amendments. After those committee amendments are adopted, if they should be—of course if they are rejected, that is the end of it—

Mr. CULBERSON. At this time?

Mr. ALDRICH. At this time—so far as those amendments are concerned, it would require a reconsideration by the Senate to take any other action. I think that has always been done.

Mr. BACON. Mr. President, in that connection I desire to suggest to the honorable Senator from Rhode Island the importance, whenever he offers an amendment, that he should explain to us the reason for the amendment, without putting us to the necessity of challenging it or asking for an explanation.

Mr. ALDRICH. So far as I am concerned, I shall be very glad to do that.

Mr. BACON. I think the Senator, as each paragraph comes up where there is a change or where there is an amendment, ought to tell us the reason for it, without requiring us to interrupt to ask for an explanation.

Mr. ALDRICH. I certainly shall myself, or some member of the committee will, explain every paragraph.

Mr. BACON. I want to illustrate. I think the Senator's explanation of the paragraph now under consideration, so far as I am concerned, has not been sufficient to inform me of the reasons for the action of the committee. I understood the Senator from Rhode Island to say that he had had a communication from certain chemists in New York, in which two particular extracts were designated as those which were used in flavoring. If the language which it is proposed to change only embraces those two extracts, then the explanation of the Senator is satisfactory; but if it be true that there are multitudes of other extracts, then the simple fact that two particular extracts now may be of the class designated by him does not explain the reason for the general change. I may be entirely wrong about it. As the Senator well knows, except the majority of the committee, we have had no opportunity whatever to obtain any information in regard to these schedules and, more particularly, as to the information which has influenced the committee to make the changes; and it is only when you give us the information now that we are enabled to judge whether or not the proposed changes are such as we would approve.

Mr. ALDRICH. Mr. President—

Mr. CRAWFORD. I merely desire to make an inquiry, and that is to see if the situation is understood. As I understand from the statement of the Chair, a motion to reconsider is necessary only so far as a particular amendment is concerned.

The VICE-PRESIDENT. Certainly.

Mr. CRAWFORD. But the general paragraph may be attacked by amendment at any time afterwards.

The VICE-PRESIDENT. The Chair understands that to be the rule heretofore adopted by the Senate.

Mr. FLETCHER. Mr. President, it must be borne in mind that on the reading of the bill no objection was made to the committee amendments to this paragraph. They were adopted as offered. The only reason for reconsidering, which has been stated by the Senator from Rhode Island, is that the items mentioned in this paragraph are unnecessary to be mentioned in the bill, as they are covered by the present law. He concedes, however, as I understand, that if these articles are set forth in this particular paragraph, the paragraph becomes more certain and more definite, and, therefore, there can be no harm in leaving them just as they are. I wish to submit that there is no occasion to reconsider the action heretofore taken by the Senate, and that the paragraph ought to stand as it has been acted on.

Mr. BEVERIDGE. Mr. President, the Senator from Rhode Island stated a moment ago—at least, I so understood him—that in case any amendment is adopted by the Senate, there could be no further amendment upon that subject in Committee of the Whole.

Mr. ALDRICH. Unless on reconsideration of that particular amendment.

The VICE-PRESIDENT. As to that particular amendment, but not necessarily to that particular paragraph?

Mr. ALDRICH. No; not to the paragraph.

Mr. BEVERIDGE. But even as to a new amendment. I think that it is quite important that we should know—I did not so understand it—that after a committee amendment had been adopted by the Senate, then any Senator could not offer an amendment to that amendment in Committee of the Whole.

Mr. GALLINGER. He could do it in the Senate.

Mr. ALDRICH. Yes; he could do it in the Senate.

Mr. BEVERIDGE. It is very well that we clearly understand that now. It amounts to this: If a committee amendment is adopted by the Senate, so far as that amendment is concerned the subject is closed until we are in the Senate.

Mr. GALLINGER and Mr. ALDRICH. Except on reconsideration.

The VICE-PRESIDENT. Except on reconsideration.

Mr. ALDRICH. And there would be no objection on the part of the committee to the reconsideration of any paragraph where there is a reason for it.

Mr. BEVERIDGE. Of course the Senator from Rhode Island will be the judge of "the reason for it."

Mr. ALDRICH. Certainly.

Mr. BEVERIDGE. That amounts to a matter of judgment, and not of right.

Mr. ALDRICH. So far as these two articles are concerned, they were inserted here upon the recommendation of the Board of General Appraisers of New York and the experts and examiners of drugs in the New York custom-house for the purpose of better classification. There was a contention that some of these articles were dutiable at a quarter of a cent a pound and 10 per cent ad valorem as drugs which had been advanced in value, and, for better classification, these two words were inserted. Of course, the committee desire that they shall remain, but in order to avoid discussion I thought it better to strike them out. If the Senate desires to have them retained, I will change my motion and allow them to remain. I would ask that the Senate may vote upon the question. I make that motion.

The VICE-PRESIDENT. The Senator, therefore, withdraws the amendment?

Mr. ALDRICH. Yes.

The VICE-PRESIDENT. The Secretary will state the committee amendment.

Mr. TALIAFERRO. Mr. President, the Senator from Rhode Island will understand, of course, that I have made no request for the retention of these words in the bill. I simply wished to know why, after having considered the subject and inserted the words in the bill, the Senator had come in this morning and asked that they be stricken from the bill. I have no request whatever to make upon the subject.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 3, line 7, after the word "oils," it is proposed to insert "extracted resins and oleoresins."

The VICE-PRESIDENT. The question is on the amendment proposed by the committee.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I should like to inquire whether or not paragraph 1, Schedule A, is considered as having been passed over or adopted at the time it was read?

Mr. ALDRICH. At the time it was read.

Mr. HEYBURN. Are we going to proceed through the bill for the consideration wholly of committee amendments now?

Mr. ALDRICH. Oh, no.

Mr. HEYBURN. I desire, as to paragraph 1, to make a suggestion, and, if we are going through the bill regularly, I wish to present it now, and to raise the questions which I desire to raise. I should like to inquire why the duty on boracic acid should be reduced from 5 cents a pound to 2 cents a pound?

Mr. ALDRICH. It was the opinion of the House, evidently, that 2 cents a pound would be a sufficient duty upon boracic acid. The Senate committee had reported the House provision without giving the matter any special investigation. If the Senator from Idaho has any information upon the subject, I should be glad to hear what he has to say.

Mr. HEYBURN. Mr. President, that is the substance which has been so much criticised and so much in evidence in connection with the doctoring of spoiled meat and fish. During the consideration of the pure-food bill boracic acid was on every man's mind. Nothing should be done to encourage the importation of that article. It is not used in any quantity for legitimate purposes, and, of all things, the duty, I think, should not have been reduced upon it. Doubtless the attention of the House was not called to it.

Mr. GALLINGER (to Mr. HEYBURN). Take it up later.

Mr. HEYBURN. I would consent to have it taken up later if I could be assured that I should not be foreclosed.

Mr. ALDRICH. The junior Senator from Nevada has called our attention to the fact that this reduction is too great, and we have promised to hear him on the subject. He desires to present some arguments to the committee to show why the duty of 2 cents a pound ought to be increased.

Mr. HEYBURN. I think that rate should be increased to the extent of prohibiting the importation of that article.

Mr. OVERMAN. If the Senator from Rhode Island would raise his voice a little, perhaps we could hear what he has to say on this side of the Chamber.

Mr. ALDRICH. I think the Senator from Idaho can not be aware of the fact that boracic acid has a great many very proper uses. It is used very largely for medicinal purposes, and is used to a very great extent in a great many ways besides those suggested by him. But if the Senator will permit the matter to rest where it is now, later on we shall perhaps be able to satisfy him that this rate ought to stand, or that an increase ought to be made.

Mr. HEYBURN. I should be very glad indeed to pass the matter over so long as I am not to be considered as foreclosed on it, because I have some information that I obtained on other occasions in regard to it.

Mr. SMOOT. I should like to call the attention of the Senator to the fact that this is reducing the duty on borax. The present rate of duty on borax is 5 cents. That has been reduced to 2 cents; and therefore we should reduce the rate on boracic acid in proportion.

Mr. HEYBURN. That is a very good reason for not reducing it. When the acid is made in this country we have a record of it, we know of it, where it is used, and to what extent it is being used. What I desire is to exclude the acid entirely from import, if possible, because it has no legitimate use in this country. Of course borax is used in welding iron and for many domestic purposes, but that has no application to this product, which is brought into this country for the express purpose of being illegitimately used.

Mr. BACON. I ask the attention of the Senator from Rhode Island. The general practice in the Senate has been to take up a bill and act first on Senate committee amendments. I understood the suggestion—

Mr. ALDRICH. I should prefer to have that done now.

Mr. BACON. I should think undoubtedly that that would be the better course to pursue. Otherwise we shall have endless confusion.

Mr. ALDRICH. Then, I ask that the Senate committee amendments be first disposed of as the paragraphs are reached.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the paragraphs passed over may first be considered in their order in the bill. Is there objection?

Mr. BURTON. I did not understand that to be the request.

Mr. ALDRICH. My request was that the committee amendments be acted upon first.

The VICE-PRESIDENT. Those that have been passed over?

Mr. ALDRICH. In the paragraphs as they are reached.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. TILLMAN. Mr. President, I want to ask the Senator, for I see no way by which we can reach information otherwise, whether or not there has been a reprint of the bill showing just what amendments were adopted last week and what amendments are still in controversy, or hung up, as it were?

Mr. ALDRICH. Under the agreement the whole bill is open in every paragraph, whether amended or not.

Mr. TILLMAN. But there seems to be confusion in the minds of Senators as to the status. The Senator said, I think, a few moments ago that the committee amendments that were agreed to have to be reconsidered, while those that were suspended or passed over are still open. I want to know if there is a reprint of the bill showing us just what has been agreed to and what has not been.

Mr. ALDRICH. Mr. President, I do not think it is necessary to have a reprint. The Secretary's record shows, of course, what amendments have been agreed to.

Mr. TILLMAN. I know that; but some of us who could not pay much attention to that would perhaps be hunting up some ammunition, or, rather, getting some information, if we knew just the controverted points.

Mr. RAYNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. TILLMAN. Certainly.

Mr. RAYNER. Just a word. We did not at all understand the agreement over here in the way the Senator from South Carolina understands it. We understood, and it was so announced by the Chair, that we could return to the committee amendments that have heretofore been agreed to without a motion to reconsider, but, as to the committee amendments which were agreed to this morning, there would have to be a motion to reconsider. Is that correct?

Mr. ALDRICH. That is correct.

The VICE-PRESIDENT. That is correct.

Mr. McLAURIN. Mr. President, before leaving paragraph 3, I intended, previous to the unanimous-consent agreement to consider first the committee amendments, to offer an amendment in line 11, on page 3. Under the agreement that has just been entered into I can not now do that; but would the chairman of the committee in charge of the bill agree to an amendment in line 11, on page 3, after the word "section," to insert the words "except cotton-seed oil?"

Mr. ALDRICH. That would not put cotton-seed oil upon the free list. I suggest to the Senator that when the free list is reached, it will be easy for him to move to insert cotton-seed oil on the free list, if he so desires.

Mr. McLAURIN. I would also ask to except oleo stearin. I do not think, however, it is in this paragraph.

Mr. ALDRICH. It is not; but when the bill—

Mr. McLAURIN. I merely wanted to know if that would be agreeable to the chairman of the committee.

Mr. ALDRICH. The question can best be raised, both as to cotton-seed oil and oleo stearin, when the free list is reached.

Mr. McLAURIN. But this trouble will come up about that: Under this paragraph cotton-seed oil would be taxed at the rate of 25 per cent ad valorem.

Mr. ALDRICH. Exactly.

Mr. McLAURIN. Then, if you put it on the free list you have it in one part of the bill taxed and in another part of the bill on the free list; which could be obviated by using the words I have indicated after the word "section," in line 11, of page 3.

Mr. ALDRICH. They are not needed at all. Only those oils which are "not specially provided for in this section" are dutiable at 25 per cent ad valorem. Any oil on the free list would not be dutiable under this provision.

Mr. BACON. Mr. President, the request just made by the Senator from Mississippi [Mr. McLAURIN] brings a suggestion to my mind as to a complication that may result unless we now have an understanding about it. The agreement has been reached, as I understand, that no amendment which is now adopted can be hereafter amended unless the vote by which the amendment was agreed to be reconsidered. I will illustrate by the present case. Under that rule, if the Senator from Mississippi, after we had proceeded to the consideration of paragraphs subsequent to the paragraph which he desired to amend, had desired to insert the words which he now suggests, it would be necessary to reconsider the vote by which the amendment to that paragraph was adopted.

Mr. ALDRICH. Oh, no.

Mr. GALLINGER. It is a separate amendment.

Mr. BACON. I quite agree with the Senator that that would not be a correct mode of procedure; but if he be sure that an amendment once adopted could not thereafter be amended unless the vote had been reconsidered, the result would follow that I have suggested. Therefore, it seems to me, it ought to be understood that when we return for individual amendments offered by Senators any part of a paragraph can be amended, whether it be the original text or the amended text.

Mr. ALDRICH. Mr. President, I think the Senator is mistaken. But as to the question in point, I will say that I have already been advised by the Senator from North Carolina that when we—

Mr. BACON. I am not referring to that feature at all; I am not speaking about cotton-seed oil. I am just speaking about a general rule that we are to pursue in reference to offering amendments, not to this particular paragraph—I only used that for illustration; but the question is this: When we have agreed to a committee amendment, which, of course, amends the paragraph, and we pass to other paragraphs, and subsequently amendments to be offered by Senators are in order, will it be necessary, if an amendment adopted by the Senate on the motion of the committee is the one which is sought to be amended, to reconsider the vote by which it was agreed to before an amendment can be offered to it?

Mr. ALDRICH. Undoubtedly.

Mr. BACON. Very well. The Senator, then, will see the difficulty. I illustrate it simply by the particular question which is now before us. I am not asking that any action be now taken upon the cotton-seed oil question; I am only using it for illustration. The Senator from Mississippi [Mr. McLAURIN] sought to amend an amendment of the committee by the insertion of the words which he mentioned.

Mr. ALDRICH. No; it was an original amendment.

Mr. LODGE. Mr. President, the distinction is one that exists on every appropriation bill that we pass. When committee amendments are disposed of the whole bill is open to amendment in the Senate by every Senator. He can offer an amendment to an amended paragraph, provided it is not to the amendment itself that has been adopted. That is the rule we operate under every day in the year.

Mr. BACON. If it is an addition to the amendment itself—an amendment to it.

Mr. LODGE. But the amendment of the Senator from Mississippi was not an addition to any amendment.

Mr. ALDRICH. I will say to the Senator from Georgia, taking this very case for illustration, that if the Senate should decide by a vote subsequent to this time to put cotton-seed oil on the free list, in that particular case no modification of this paragraph would be necessary; but if they should adopt an amendment to some paragraph that necessitated the modification of an amendment which had been passed over, I would certainly ask the Senate to reconsider its action and make the modification.

Mr. BACON. I understand the Senator's proposition to be this: If the amendment of the committee is of a substantive character, and the amendment offered to it is one which destroys that amendment, then the Senator considers that a reconsideration would be required?

Mr. ALDRICH. That is right.

Mr. BACON. In that case I entirely agree with him, but if it is an addition, for instance, it would not be.

Mr. ALDRICH. Not necessarily. It would depend entirely upon the character of the amendment.

Mr. TALIAFERRO. Mr. President, there is a paragraph in the bill as it came from the House which has been amended by the Senate committee, and I want to present an amendment to both propositions. Now, if the Senate amendment is adopted without my interposing when the paragraph is taken up, what will be my course of procedure under the rule laid down?

Mr. ALDRICH. When an amendment of the committee is before the Senate it is quite competent for the Senator from Florida or any other Senator to move to amend the amendment of the committee. That is always done.

Mr. BACON. That is all right.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 3, after line 17, it is proposed to strike out:

4. Alumina, hydrate of, or refined bauxite, one-half of 1 cent per pound; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, and alum in crystals or ground, one-fourth of 1 cent per pound.

And insert:

4. Alumina, hydrate of, or refined bauxite, containing not more than 64 per cent of alumina, five-tenths of 1 cent per pound; containing more than 64 per cent of alumina, seven-tenths of 1 cent per pound. Alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing less than 15 per cent of alumina and more than three-tenths of 1 cent of iron oxide, one-fourth of 1 cent per pound; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing more than 15 per cent of alumina, or less than three-tenths of 1 cent of iron oxide, one-half of 1 cent per pound. Potash alum and ammonia alum, one-half of 1 cent per pound.

Mr. ALDRICH. Mr. President, it was the purpose of this amendment to secure better classification of these articles and

not to increase the rate. The amendment as reported does slightly increase the rate, and I propose to modify the amendment so that every rate shall be the same. I propose to modify the amendment in line 23 by striking out "five-tenths" and inserting "four-tenths;" in line 25, by striking out "seven-tenths" and inserting "six-tenths;" in line 5, on page 4, by striking out "one-half" and inserting "three-eighths;" and in line 6, by striking out "potash alum and ammonia alum, one-half of 1 cent per pound." That makes the average rate the same as in the House bill.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 3, line 23, at the end of the line, strike out the word "five-tenths" and insert in lieu "four-tenths;" in line 25, after the word "alumina," strike out "seven-tenths" and insert "six-tenths;" on page 4, line 5, at the end of the line, strike out "one-half" and insert "three-eighths;" and in line 6 strike out the words "potash alum and ammonia alum, one-half of 1 cent per pound."

Mr. KEAN. How about line 2, page 4? Does that remain the same—one-fourth of 1 cent per pound?

Mr. ALDRICH. Yes.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment passed over was, on page 4, after line 7, to strike out:

5. Ammonia, carbonate of, 1½ cents per pound; muriate of, or sal ammoniac, three-fourths of 1 cent per pound; liquid anhydrous, 5 cents per pound; aqua ammonia, 10 per cent ad valorem.

And insert:

5. Ammonia, carbonate of 1½ cents per pound; sulphate of ammonia, two-tenths of 1 cent per pound; muriate of, or sal ammoniac, three-fourths of 1 cent per pound; liquid anhydrous, 5 cents per pound.

Mr. SMITH of South Carolina. Mr. President, the only change in this amendment, as I understand, is the introduction of sulphate of ammonia, which is taken from the free list, where it appeared in the Payne bill, and put in the dutiable list in the Senate draft. This is one of the principal ingredients of fertilizer as used throughout the United States. There is no more expensive article that enters into the fertility of our soil than nitrate. The United States has exhausted every means possible to increase the importation and the home production of this necessary ingredient to renew our rapidly depleted soil. Our sources of ammonia are very limited. We have, in this country, sulphate of ammonia which comes from gas retorts, from tankage, and the packing houses. We have also the Chilean nitrate beds. Last year there were imported into this country 330,000 tons of nitrate of soda. That importation would have doubled itself had it not been that the price was almost prohibitive to the farmer. That price was made possible by the duty that is placed upon the other forms of ammonia. The combinations taking charge of the nitrate beds and taking advantage of the necessity of the agriculturists, raised the price of nitrate of soda to where it was on a parity with protected articles here at home. The result was that the price of nitrate of soda went up to such a point that it was almost prohibitive. Now, I have an article here from one of the—

Mr. BURKETT. The Senator from West Virginia [Mr. SCOTT] has been called to the White House, and he told me he was very much interested in paragraph 5; and since there is going to be some discussion, perhaps I had better prefer his request at this time. He asked me to request the Senate, when paragraph 5 was reached, that it should go over temporarily until he could be in the Chamber; and I thought perhaps the Senator from South Carolina would be willing, if the chairman of the committee would consent that the paragraph should go over, to withhold his remarks until the Senator from West Virginia may be here to listen to them. I do not know what his wishes are—

Mr. SMITH of South Carolina. I have no objection to suspending the argument on this matter and let it go over, but I would be glad to have action taken to-day, for the reason that I shall be compelled to be absent from the meetings of the Senate for two or three days, and it is of prime importance to the country at large that this essential element shall be given as free as possible or absolutely free to the agricultural interests of the country.

Mr. BURKETT. I do not know anything about what position the Senator from West Virginia takes.

Mr. SMITH of South Carolina. You do not know whether he is in favor of or against it? However, if we can have it up again to-day—

Mr. ALDRICH. Perhaps the Senator from South Carolina had better finish his remarks, and we can have an understand-

ing that the matter shall not be disposed of until the Senator from West Virginia can be present.

Mr. SMITH of South Carolina. That will be perfectly agreeable to me. With that understanding, I will suspend my remarks, and we will dispose of the paragraph when the Senator from West Virginia is present.

Mr. BAILEY. Mr. President, from the beginning, and throughout the history of this Republic, the question of taxation has excited the deepest interest and provoked the widest differences of opinion among our people. From time to time other questions have arisen and overshadowed it, but one after another they have passed, and it has always reasserted its right to the first place in our public discussions. More than once it has seemed that all differences concerning it had been adjusted, and that an agreement had been reached with respect to its principles and their application; but none of those adjustments have ever survived a single generation of voters, and the question divides the people of this country to-day by a line of cleavage more distinct, perhaps, than any other. I am aware, of course, that certain doctors of political economy insist that all of this is true because we have allowed it to become the subject of political contention, and they assure us that if we will withdraw it from the domain of partisan politics and commit it to a board of their selection, they will give us a law so just and so perfect that we will never again be disturbed by a controversy over it. I am not convinced that these well-meaning men could accomplish half of what they promise even if we were to grant them the power which they solicit; because I know that this same question of taxation has vexed every government in the world, and although the greatest intellects of every age and of every land have applied themselves with diligence to its consideration, they have never been able to evolve a system acceptable to all nations, or acceptable to all the people of any one nation. But, sir, if they could fully perform what they are so ready to promise, they would work vastly more harm than good to our people and to this Government.

I can easily understand how much patriotic men regret that an important law made by a Congress chosen according to political preferences must unavoidably express in some of its aspects the result of a conflict between political parties; but that, sir, is an infirmity which inheres in the nature of all free governments, and it is a milder injury than that which would be inflicted upon us by eliminating any great question from popular discussion and settling it apart from the people's representatives. The question of taxation has always appealed directly to the voters of this country, thus serving to stimulate their personal interest in public affairs, and if it were withdrawn from their attention and confided to a body of men under no direct responsibility to them, the average citizen would lose one of his strongest incentives to an active participation in the politics of his country. I can not sympathize with any proposal or with any policy which will tend to abate the interest of our people in the making and administration of their laws, because what so many are pleased to call the "turbulence of politics" seems to me the very best safeguard for our free institutions. Of course, it would cost the people less time and less effort to allow these great questions to be settled by a select number of highly disinterested patriots, but if they should once become accustomed to such a course, they would soon lapse into a state of political indifference, and it would be very difficult, if not impossible, to arouse them to that "eternal vigilance" which is said to be the price of a people's freedom. I abhor as much as any man the cunning and duplicity which politicians so often practice, and I would rejoice as much as any man to see all such driven from the public service; but, sir, we will avert one evil only to bring a greater one upon us if, in order to escape the politicians, we commit the affairs of this Republic to a board of political eunuchs who are so impartial that they cherish no prejudice against what is bad and entertain no preference for what is good. I do not believe that they would make better laws than the people's representatives will make, but even if they could and would, I am not willing to pay their price. I believe that in the long flight of the years to come it will be infinitely better for the peace of this country and for the happiness of these people that we shall live under imperfect laws, made according to the best judgment of our representatives, than that we should abdicate our sovereign power and permit it to be exercised by those who esteem it a patriotic virtue to disregard the deliberate will of the American people.

The chief difficulty in dealing with that phase of the tax question presented by this bill arises out of the fact that tariff duties are imposed by the party now responsible for legislation not only for the purpose of raising revenue to support the Government, but also as a means of regulating our commerce with foreign nations, developing domestic enterprises, maintain-

ing the wages of labor, and insuring the profits of manufacture. It would, therefore, be necessary in a thorough discussion of a measure like this to consider it in many phases—so many, indeed, that it would be utterly impossible to dispose of them all in a single afternoon. For this reason, I shall not, on this occasion, address myself to the latest Republican declaration that tariff duties shall be levied for the purpose of maintaining wages and insuring profits; but on some later day of this session, if I feel that the patience of my colleagues will indulge me that far, I may endeavor to demonstrate, as I think I can, the folly of guaranteeing profits by law and the injustice of increasing the cost of living to the millions who labor in all lines of employment in order to add a small fraction of what is taken from the whole to the wages of the part employed in particular enterprises. Nor shall I ask you to hear me at this time debate the question of free trade; because however desirable it may be, free trade is impossible in this country. I do not hesitate to declare that I believe in taxing wealth instead of consumption, and I would compel all men to contribute toward the Government's support according to what they own rather than according to what they want. I do not shrink from saying that if our Constitution would permit us to levy a direct tax in proportion to wealth instead of requiring it to be levied in proportion to population, I would favor the abolition of all customs duties, and I would support the General Government by the same system of ad valorem taxation which now prevails in our several States and in their subdivisions. This would not only be more equal and more just, but it would strongly tend, in my opinion, to insure that economy in governmental expenditures which is necessary to the strength and simplicity of a republic.

FREE TRADE IMPOSSIBLE.

But, sir, it is a waste of time for men charged with the practical duty of providing revenue for the Federal Government to talk about free trade under our Constitution as it stands to-day, and as it will stand, in all human probability, to the end of time. We can not dispense with tariff duties, because without them we could only raise sufficient revenue by resorting to direct taxation, and under the constitutional rule of apportionment that is so obviously unjust that the people will never submit to it except in a time of extraordinary emergency. I do not need to illustrate the inequality and the consequent injustice of a direct tax before the Senate, because every Senator understands it as well as I do; but in the hope that what I say may be read by some with less information than Senators possess, I venture to recite one example of how a direct federal tax would operate. If this Congress should levy a direct tax, it would be required to apportion to the State of Arkansas one-sixth of the amount apportioned to the State of New York. But while the population of New York is only six times as great as the population of Arkansas, its wealth is more than twenty times as great, and therefore a citizen of New York would be required to pay less than one-fourth as much upon every dollar's worth of his property subject to the tax as the citizen of Arkansas would be required to pay. That is such a manifest and gross inequality that no man will attempt to defend a tax which produces it.

All men admit the inequality and injustice of a direct tax under the Constitution as it reads to-day, but many of them insist that the Constitution ought to be amended so as to obviate that objection. I am not myself prepared to advocate such an amendment, because this rule apportioning representatives and direct taxes among the several States according to numbers was one of the compromises which made it possible for the convention of 1787 to agree upon a Constitution, and without that compromise the people of the original thirteen States would never have established this Republic. I have often heard it said, and I have frequently read it in books and documents which ought to have been more accurate, that this particular provision of the Constitution was adopted as a compromise between the Southern and Northern States upon the slavery question; and it is urged that as slavery has been abolished, and the reason for the rule no longer exists, the rule itself ought to be repealed. The men who advance that argument lack accurate information about the history of our early days, and even though I thus contradict what has been spoken and written so often, I declare without the slightest hesitation that it was not the slavery question which brought the members of the federal convention to the compromise under which representatives and direct taxes are apportioned according to population. That provision was a compromise, I grant you; but it was a compromise between the larger and the smaller States. The larger States insisted on a representation in both branches of Congress based on population or, as it was sometimes expressed, based on population and wealth, while the smaller States contended that sovereigns must always and everywhere be equal, and they insisted upon an equal suffrage both in the House of Representa-

tives and in the Senate. These differences were so pronounced and were asserted with such vehemence that they threatened to disrupt the convention.

The wisest and the most patriotic of the delegates were on the very verge of despair, and it was at this juncture in their proceedings that the venerable Benjamin Franklin, in a beautiful and touching address, proposed that the divine blessing should be invoked upon their deliberations, and moved that each session should thereafter be opened with prayer. The convention itself was so hopelessly divided, and each faction was so inflexible in its demand, that an adjournment seemed imminent; but under a sense of the great responsibility which rested on them and unwilling to fail without testing every expedient for success, a committee was finally appointed and the question was referred to it. It is unnecessary to follow that committee into its room, nor is it needful now to explain a second reference of the question to a smaller committee. It is sufficient to say that after mutual concessions it was finally agreed that the larger States should enjoy the advantage of their numbers in the House of Representatives, and that the smaller States should have the security which they sought through an equal representation in the Senate. I do not mean, of course, to say that the slavery question was not a perplexing one in that convention, nor do I forget that there were some intemperate speeches with reference to it; but it was adjusted without any serious difficulty, according to the rule of contribution which had existed under the Articles of Confederation. If we should now attempt to rescind the compromise of that day, we would provoke the same violent dissensions which existed in the other time. The larger States would contend as resolutely as their grandfathers did for a representation in both Houses based on numbers, and the smaller States would hazard another war before they would surrender their equal representation in this Chamber.

With Congress thus forbidden to levy direct taxes except according to the harsh rule of apportionment, we must continue to collect large sums through our custom-houses; and I perfectly understand that even a purely revenue duty affords an incidental protection. Whether that result is to be regretted or desired is purely an academic question; because whether desirable or regrettable, it is absolutely unavoidable. Not only do I recognize that Congress must levy tariff duties, but I recognize its right and its duty to arrange them in such a manner as will best serve the ends of justice and promote the general welfare. To lay the same duty upon articles of common necessity as upon luxuries would be a blind and senseless performance, and in making the one duty high while making the other low, we follow the sound and fundamental principle which requires that the highest taxes shall be laid upon those who can bear them without inconvenience, and that lightest taxes shall be laid on those whose income will permit the least subtraction.

THE ISSUE.

The practical question, therefore, between us and our adversaries, when fairly stated, is simply this: "Shall tariff duties be imposed for the purpose of raising revenue to support the Government, or shall they be imposed for the purpose of protecting certain classes of our people against foreign competition?"

The advocates of the protective system have always enjoyed a great advantage in defending it because the very terms which they have invented and employed flatter the sentiment and the patriotism of the country. Every American rejoices in the progress of each American industry, and he is more than ready to prefer his fellow-citizen in any contest against a foreigner. In this way it has happened that every man who does not examine the question readily gives his adhesion to a policy professing to limit or exclude foreign competition; and if that were the whole case, protection would command from none a more ardent support than I would give it. But when I analyze the policy, and understand its operation, I revolt against it because I readily perceive that under the guise of protecting some of our people against foreign competition, it robs the many to enrich a few. The purpose of protection is, as its firmest supporters assert, to give the American producer an advantage over his foreign competitor, but the effect of it is to tax the American consumer for the benefit of the American manufacturer; for to the dullest mind it must be self-evident that any law which enables one man to obtain more for his goods when he sells them must compel another man to pay more for those goods when he buys them, and in this fact lies the unanswerable and fatal objection to the policy of protection. It is not fair, and in the early days of this Republic nobody attempted to justify it as a matter of fairness. They justified it only upon the plea of necessity. They recognized that the tariff is a tax, but they averred that the patriots of the young Republic should be willing to bear its burden

in order to insure the establishment of those enterprises which would render us independent of foreign nations. They admitted its injustice as between man and man, but said that the people ought cheerfully to submit to it for the sake of the danger from which it would deliver us in a time of war. That argument was used with great effect, and when it was no longer appropriate to our condition the selfish interests, which had grown rich and powerful under this governmental favor, invented a new one, which I shall not, as I said in the beginning, attempt to answer at this time, for I have another purpose more immediately at hand and closer to my heart.

But before I pass to that other topic, I want to ask this question: Upon what principle can you distinguish between a law which compels me to pay my neighbor more for the goods which I must buy from him and a law which would compel me to pay into the public treasury an increased tax which the Government would afterwards distribute among such industries as it might seek to foster? In other words, Mr. President, I am not able to perceive any difference in principle between a tariff and a bounty. I have endeavored to find a difference between them, but I have never been able to do so. If you summon me to the tax collector's office and compel me to make my contribution, and then take a part of what I have contributed and hand it over to my neighbor to add to the profits of his enterprise, you do me no greater injustice and I suffer no greater loss than under a law which enables my neighbor to extort from me a higher price for his goods when I buy them. The difference, and the only difference, is that one is a direct and the other is an indirect way of taking what I have earned and giving it to another man who has no honest claim upon it. Such legislation is so outrageously unjust that I marvel at the patience with which it has been endured by an intelligent and justice-loving people. To mitigate this injustice in some slight degree, and to the end that Congress may emancipate consumption from some part of the great burden which it has borne for so many years, I have prepared, and at the proper time I shall offer, an income-tax amendment to the pending bill.

I hope in this way to lift \$80,000,000 annually from the stooping shoulders of those whose toil nets them only a modest return at best and to lay it upon those who can pay this tax without sacrificing a single comfort. This relief will mean much to men of moderate circumstances, and yet it will not be felt by those from whose abundant incomes we will supply the loss of revenue. I further hope to reduce the indirect bounty which consumption now pays to privilege, by more than \$500,000,000 every year, and leave that vast sum with those who earn it instead of transferring it to those who have been collecting it for four decades. It will not satisfy the thoughtful men of this country, and even the reasonable protectionists will not permit you, to say that consumption can not be relieved from burdensome taxation, because a reduction in duties will close American factories and put out the fires of American furnaces, for they do not believe that these struggling infants, now grown into colossal combinations, need the high protection which this bill gives them. They understand that all of these great corporations could have prospered even beyond the dreams of avarice with lower duties; and it is this widespread belief among the people that has aroused an intense prejudice against the enormous fortunes of this day. I feel no prejudice against any man because he is rich, though I do despise the means by which many of them have acquired their riches; and I affirm that taking the money of other men through the favoritism of the law is but little less dishonest than taking it by force or fraud. The apologists of special privilege may continue to cry aloud against the dangerous and leveling doctrines of Socialism, but I tell them here and now that the best way to eradicate Socialism is to renew the people's faith in the justice of their Government. The best way to make the poor respect the rights of the rich is to make the poor understand that the rich respect their rights.

Realizing that the present political complexion of Congress renders the abandonment of the protection policy impossible, we are not asking that it shall be abandoned, and the reductions which we propose will still leave the American manufacturer in full possession of the American market, because there is hardly a highly protected industry on this continent to-day that could not realize a splendid profit under a tariff 33½ per cent lower than this bill proposes.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. Does the Senator from Texas recognize the difference which exists between the wages of labor in Europe and in our own country, and, if he does, would not lower

duties operate to lower wages here by stimulating the use of foreign-made goods?

Mr. BAILEY. Mr. President, of course I recognize that there is a difference in the scale of wages existing in this country and abroad, but the Senator from Michigan must know that when estimated according to the value of its product, American labor is no better compensated to-day than the labor of Germany and Great Britain; and when you take into account the increased cost of living in consequence of these tariff duties, it is not so well rewarded.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield further to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. Would the Senator from Texas undertake to compare favorably the surroundings of the foreign workingman, the discomforts of his home, with the comforts and conveniences of the American workingman in his home?

Mr. BAILEY. No more than I would undertake to compare the comforts and conveniences of the average American farmer with the average foreigner who cultivates the soil of other countries. The difference is very much more one of men and natural resources than of tariff. But even if that were not true, I can not forget that there are 17,000,000 people in this country engaged in employments that are not and can not be protected; and I do not think it just and fair to tax that seventeen million in order to increase the income of the two and one-half million employed in protected industries. Do you think it right to increase the cost of living to every man under the flag in order to increase the wages of a few? That would be bad enough if it were all; but that does not state the whole case, for when you remember that the wage-earner generally expends his entire wages, then you must know that the increase in the cost of all he buys is equal to the increased wages which your protective tariff may give to those who work in protected industries. I understand perfectly well, and I understand it as well as any protectionist in the world, that if a manufacturer sells his goods for a higher price, he can afford to pay the laborer who produces them a higher wage. But will he do it? Not unless he is compelled to do it.

Mr. SMITH of Michigan. Has he not done it, Mr. President?

Mr. BAILEY. Only because he was compelled to do it.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. Is he not still compelled to do it?

Mr. BAILEY. He is compelled to do it by competition and by labor organizations.

Mr. SMITH of Michigan. Does the Senator from Texas admit that the American wage-earner is better paid and will continue to be better paid, and can live better and happier and more comfortably under the principle of protection than under the principle he advocates?

Mr. BAILEY. I do not admit any such absurdity as that. [Applause in the galleries.]

Mr. SMITH of Michigan. Will the Senator indicate—

Mr. BAILEY. Here is what I admit—

The PRESIDING OFFICER. Applause is not permitted in the Senate.

Mr. SMITH of Michigan. The Senator, if I may be permitted—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. The Senator has already admitted part of the absurdity, namely—

Mr. BAILEY. It is the part I did not admit which makes the absurdity.

Mr. SMITH of Michigan. That wages are higher here. He has already admitted, I think, that the American wage-earner lives better than the foreign laborer. That is the second part of the absurdity. Now, if he does live better and does get a better wage, is it the height of absurdity to say that he is happier and more contented here? In fact, Mr. President, if the Senator from Texas will but linger around the ports of this country he will find millions of foreigners seeking this ideal wage and these ideal comforts, and he may linger long—

Mr. BAILEY. I can not yield for an oration.

Mr. SMITH of Michigan. I thank the Senator from Texas. I did not know that my remarks had attained any such height in his judgment. But, Mr. President, I will not interrupt the Senator further than to say that he may linger long around the ports of every other country in the world and he will not have the satisfaction of seeing Americans, accustomed to our mode of living, going to those countries to live.

Mr. BAILEY. That is as true of the Americans who are not employed in a protected industry as it is of those who are so employed. Therefore your protection does not explain it. Mr. President, except that I dislike to trespass upon the patience of the Senate, I would open a kindergarten for the benefit of such protectionists as the Senator from Michigan. [Laughter.]

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I will withdraw that remark if it offends the Senator.

Mr. SMITH of Michigan. It does not offend me. I was simply going to state—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. I was going to suggest that there would have to be a higher order of protection ability shown before I could be tempted into that school. [Laughter.]

Mr. BAILEY. The Senator from Michigan repeats my statement that the scale of wages is higher here than in other countries, taking special care, however, to omit my other statement that according to the value of the product—and that is the principal factor in every wage scale of the world—the American laborer is not any better paid than the laborers of Germany and Great Britain. If the Senator from Michigan desires more information than I have time now to furnish, let him examine a table printed in the hearings which were held by the House Committee and he will find how little the wages of labor enter into the price of many of these protected commodities.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I will.

Mr. SMITH of Michigan. Not to interrupt the Senator, I am bound to observe that it is quite evident the Senator from Texas has been viewing the tables. Mr. President, I have viewed the laborer in his home in many countries of Europe, and there I have learned the lesson that he is not only poorly paid, poorly housed, poorly clothed, and uninterested in much of the affairs of life, but that he can not be compared from any point of view with the splendid life and character of the American citizen.

Mr. BAILEY. Mr. President, all of that is easily explained in other and better ways. This is a better country than those to which the Senator refers. The soil is more fertile, the Government is freer, men are more equal, intelligence is more generally diffused, inventive genius is more active, and labor has more skill. Do all these factors count for nothing? When an American citizen traveling abroad finds the serfs of Europe groveling in their misery and their poverty, does he not understand that there are other causes for the difference between them and us than merely that we have and they do not have a protective tariff? Mr. President, the Senator from Michigan must know that the period when every man and every industry in this Republic was most abundantly blessed was during the low tariff of 1846.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. Mr. President, I do not want to annoy the Senator from Texas.

Mr. BAILEY. The Senator from Michigan could not annoy the Senator from Texas.

Mr. GALLINGER. Mr. President, let there be order.

The PRESIDING OFFICER. The Senator from Michigan will kindly suspend for a moment. The Chair wishes to call the attention of the occupants of the galleries to the fact that it is necessary for them to preserve order. The Chair hopes there will be no further occasion to admonish them of this fact.

Mr. SMITH of Michigan. I greatly enjoy the argument of the Senator from Texas, as I always do. I think that he and I are perhaps about the same age, and the period to which he alludes was a little back of my time.

Mr. BAILEY. The Senator from Michigan can read, however.

Mr. SMITH of Michigan. Yes; and the Senator from Texas can experience. The Senator from Texas and myself, happening to be Members of the same body at about the same time, have witnessed low-tariff legislation in this country bring the greatest disaster to the country, when the principal business of the country was the soup house. The Senator from Texas knows very well that even though we may have enjoyed luxury and comfort under low tariff, the American people have seen great distress under low tariff, with which the Senator from Texas

and myself are most familiar, and for which he was responsible more than I.

Mr. BAILEY. Mr. President, I have no thought of being drawn from the discussion upon which I was about to enter into a discussion of these other questions; but I want it to appear in the RECORD that the only answer which I now deem it necessary to make to the observation of the Senator from Michigan about the difference between the people of this country and the people of other countries is that the difference is just as great in those countries with a protective tariff as it is in those countries without a protective tariff. In other words, the wages of the American artisan and laborer are just as much greater than the wages of the German artisan and laborer as they are above those of Great Britain. In Germany they have a protection that would suit the Senator from Michigan [Mr. SMITH]; in Great Britain they have free trade. If our people are as much superior to the one as to the other, you can not account for the difference between them or either of them upon the policy of protection. In reply to the Senator's last statement, I only need to say that periods of distress and disaster have occurred under high Republican as well as under low Democratic tariffs.

Mr. SMITH of Michigan. Will the Senator yield to me now?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I will.

Mr. SMITH of Michigan. I want to be sure that I understand the Senator from Texas correctly. Surely he does not intend to compare the relative industrial strength of Germany with that of England; certainly he does not pretend to compare the condition of the workman in England with the condition of the workman under a protective system in Germany. Unless I very seriously misunderstood him—

Mr. BAILEY. The Senator instituted a comparison between the condition of the workmen in the Old World and our workmen. He can not, therefore, complain if I follow his example.

Mr. SMITH of Michigan. But the Senator from Texas was inclined to the opinion that we have a fairer land for opportunity and enterprise to assert itself.

Mr. BAILEY. Yes.

Mr. SMITH of Michigan. Mr. President, it was my privilege not many months ago to go through Ireland, as fair a land as the sun shines upon, with a soil as fertile as the soil of any country on earth, with water power competent to drive the machinery of Great Britain to a high point of industrial prosperity, where the climate is like the climate of California, where generous nature has filled the mines with ores and minerals rich as those of any other country in the world. Ireland, Mr. President, enjoys the blissful luxury of free trade, and it is about the highest exemplification of unwisdom that I know of anywhere in the world. That Ireland is not prosperous, the Senator from Texas must admit; that it is in a sad state of demoralization, people all over the world recognize. I am sure that the Senator from Texas can not, if he stops to think of it, account for our wonderful development solely by our natural location.

Mr. BAILEY. Mr. President, there are many elements which determine a nation's or a people's progress, and it is unsafe to ascribe their condition to any single influence. Wide differences exist between neighboring nations, both pursuing the same fiscal policy, and it will generally be found that wages always fall as nations descend in the scale of civilization. The Senator from Michigan does himself an injustice when he fails to take these considerations into account; and he must know—because he reads history, if he does not attempt to write it—that Ireland's condition to-day is no worse, indeed it is better, than it was before England repealed the corn laws and abolished the protection which existed there for so many years.

Mr. ELKINS. Mr. President, before the Senator from Texas leaves that point, I wish to ask if he will permit an interruption?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. BAILEY. I do.

Mr. ELKINS. If I understood the Senator from Texas correctly, he stated that protection discriminated against a certain class of wage-earners in the United States. Now, I should like the Senator to state what class of wage-earners is discriminated against, if he stated that.

Mr. BAILEY. Mr. President, no Senator in this Chamber knows better than the Senator from West Virginia that protection, in the nature of things, can only protect those laborers employed in the protected industries. The Senator from West

Virginia understands as well as anybody that protection can not protect the agricultural laborers in the United States, or—

Mr. ELKINS. Every farmer in this country is protected in his products, and that enables him to extend his protection to farm laborers. It is in that way that the farm laborers in this country are better paid than are the farm laborers in foreign countries, as I understand.

Mr. BAILEY. The Senator from West Virginia, with all deference to him, does not think that.

Mr. ELKINS. I do not think the Senator from Texas has met the question I asked with that candor and fairness and ability with which he has conducted debate here in the Senate. I fail yet to see where protection discriminates against particular wage-earners or against any class of wage-earners in this country. I do not think the Senator from Texas has answered me. He mentioned the farmers. I have made answer, I think, to his explanation. You may extend it into all the branches of industry, and directly or indirectly every wage-earner in the United States is protected as against foreign labor.

Mr. BAILEY. The Senator from West Virginia is so good a student of the tariff question that it is difficult for me to believe that he is serious in making that statement. I may hereafter enter upon a full and detailed discussion of that phase of the tariff question, but my purpose this afternoon is to devote myself to a proposition which is intended to alleviate the sufferings of the people under tariff duties, and I must leave such questions as the Senators from Michigan and West Virginia have raised for another occasion.

OBJECTION TO AN INCOME TAX.

The Senator from Rhode Island [Mr. ALDRICH] objects to an income tax on the ground that it will raise unnecessary revenue. That objection which the Senator from Rhode Island [Mr. ALDRICH] now makes is not the one which it was his habit formerly to make, for there was a time when he denounced an income tax as a Populistic, Socialistic, Democratic plan of redistributing fortunes. He will not repeat that during this debate, because the Senator from Rhode Island, like all the rest of us, learns something as he grows older. [Laughter.]

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Certainly.

Mr. ALDRICH. Mr. President, I have never at any time or anywhere expressed any such opinion as that which the Senator from Texas now attributes to me.

Mr. BAILEY. The Senator from Rhode Island ought to have the CONGRESSIONAL RECORD corrected if he did not say that. I will have the RECORD brought here, but before it comes I will recall the matter to the Senator's mind. I think it was during the speech of Senator Hill, of New York, or perhaps the speech of the Senator from Nebraska, Mr. Allen, that the Senator from Rhode Island made use of almost the identical expression which I have just repeated, and which he denies having uttered.

Mr. ALDRICH. Whenever the income tax proposition has appeared in this body—if this will be of any service to the Senator—it has appeared here advocated by Populists or by others who sympathized with them in a desire to redistribute the wealth of the United States by this method.

Mr. BAILEY. Was it supported only by such?

Mr. ALDRICH. At the time which I mentioned, I think I can say it was supported only by such.

Mr. BAILEY. But not now?

Mr. ALDRICH. Not now, I think.

Mr. BAILEY. Mr. President, I now have before me the CONGRESSIONAL RECORD of the 21st of June, 1894, from which I will read:

Mr. ALDRICH. Does he not understand that the income tax is supported by the Socialist party, by the Populist party, and by the Democratic party with a few honorable exceptions, simply as a means for the redistribution of wealth?

Mr. ALDRICH. That is what I said.

Mr. BAILEY. But the Senator from Rhode Island said he did not say it.

Mr. ALDRICH. I repeated the same thing a moment ago. I said that it was supported at that time.

Mr. BAILEY. All right; I did not read the whole of it. Now, listen:

I have heard no other argument advanced on the part of any advocate of this scheme except that it is in part a proper redistribution of the wealth of the country.

Not from Populists or Socialists or Democrats, but the Senator had never heard any other argument advanced by any advocate of an income tax except that it was a scheme to redistribute fortunes. Does the Senator say that now?

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. I think the statement made by me at that time was absolutely accurate as a historical statement, and I should make the same statement now as to conditions which then existed.

Mr. BAILEY. But the Senator said a moment ago that he had never, at any time or in any place, characterized an income tax as a Populistic, Socialistic, Democratic plan to redistribute fortunes. But I leave that aside to ask what the Senator thinks of the statement made by the present President of the United States, in his speech accepting the Republican nomination, in which he says he believes in an income tax? Is he a Socialist? Is he a Populist? Is he a Democrat? [Laughter.]

Mr. ALDRICH. I would be glad if the Senator would read that statement.

Mr. BAILEY. I have reread it within the last three days. I thought I had the last Republican campaign book in my desk, and I did have it here yesterday; but some one seems to have taken it away.

Mr. ALDRICH. That is a dangerous thing to have.

Mr. BAILEY. It is always dangerous to hold company with error. [Laughter.]

Mr. President, I agree, of course, with the Senator from Rhode Island, that it is worse than folly for Congress to levy and collect taxes not needed for an economical administration of the Government, although I must confess that it sounded rather novel to hear him denounce unnecessary taxation as the mother of extravagance. I sincerely regret that we have not heretofore had the benefit of his great influence in resisting the shameful waste of the public money; but I welcome him, even at this late hour, to the ranks of those who believe that a simple, frugal, economical government is the best. I can not forget, however, that the Senator from Rhode Island has never protested against this extravagance until we had reached a point where we were about to lay the burden of it on the shoulders of the rich, and then he suddenly becomes a convert to governmental economy. [Laughter.] But, Mr. President, whatever the cause of his conversion, I rejoice in it, and I cordially commend his recent speech in that respect. I will do the Senator from Rhode Island the charity to believe that a solicitude for the rich has not reversed his attitude, and I prefer to think that he believes in economy now because he perceives where extravagance is leading us and knows that it not only increases the burden of all taxpayers but that it breeds governmental vices of every kind.

The Senator from Rhode Island does not, however, answer us by saying that the bill which he has reported will raise sufficient money to support the Government and therefore the income tax amendment which I propose is unnecessary. Conceding that his bill as he has reported it will raise revenue enough to defray all public expenses—a concession which I only make for the purpose of this reply—we would then reduce the duties which his bill imposes. Always resourceful in debate, and never at a loss for an argument against doing what he does not want to do, the Senator from Rhode Island replies to that suggestion by saying, and he made an impression on the minds of many Senators by the statement, that to adopt an income tax and reduce tariff duties at the same time, would culminate in a double evil; because, he declares, that in addition to the money collected through a tax on incomes, a reduction of tariff duties would increase our revenue, thus accumulating a dangerous surplus in the National Treasury. This proposition is a paradox, for it implies that the less our people pay, the more our Government collects. But even if this statement were correct, we can easily obviate that difficulty by transferring to the free list some of the necessities of life, thus lifting these tariff taxes from those who can ill afford to pay them and laying this income tax upon those who can well afford to pay it.

HOW LOWER DUTIES AFFECT THE REVENUE.

But, Mr. President, the Senator's doctrine that lower duties bring more revenue is not correct. I have here a book of Professor Taussig, which he calls "The Tariff History of the United States," and on page 115, referring to this very matter, he makes this statement:

The act of 1846 remained in force till 1857, when a still further reduction of duties was made. The revenue was redundant in 1857, and this was the chief cause of the reduction of duties. The measure of that year was passed with little opposition, and was the first tariff act since 1816 that was not affected by politics. It was agreed on all hands that a reduction of the revenue was imperatively called for, and, except from Pennsylvania, there was no opposition to the reduction of duties made in it.

Mr. BAILEY. On the next page—

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Certainly.

Mr. ALDRICH. I trust the Senator remembers that I made a statement following the one that he has quoted, in which I said that duties can be reduced so low, and have been reduced so low, as, for instance, in 1857, as to destroy the industries of the United States and place all of its people in a state of pauperism.

Mr. BAILEY. The Senator from Rhode Island can not now divert me to a discussion of that kind; but he understands perfectly well that there is just the same dispute about what produced the depression of 1857 as there will be twenty years from now about what produced the panic of 1907.

Mr. ALDRICH. Mr. President, the Senator from Texas will agree with me in the statement that under the tariff of 1857 the Treasury of the United States in 1860 was in a bankrupt condition, and not only was the Treasury in a bankrupt condition, but the borrowing power of the United States had been destroyed.

Mr. BAILEY. Mr. President, that was due to the great financial crisis that came in 1857, followed, as such crises are usually followed, by a period of stagnation, and aggravated by the menacing state of American politics. But whether the act of 1857 was wise or unwise is not the question that I am now discussing. I am simply attempting at this time to show that lower duties do not mean greater revenue.

In a footnote on page 117 Professor Taussig again asserts:

No doubt high duties were one cause of the Government's surplus, and thereby aided in bringing about the crisis, so that this view, incomplete as it is, has more foundation than Carey's explanation.

Carey's explanation was the one that the Senator from Rhode Island has just offered. He was the dean of the protectionists, and he ascribed all the ills that the American people had ever suffered to the lack of protective duties.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. I think the Senator from Texas perhaps correctly characterizes Mr. Carey. The authority from which the Senator is now reading, Professor Taussig, is the authority and dean of free traders, a man who is a free trader with courage.

Mr. BAILEY. And with sense. [Laughter.] In his annual message of 1855, Franklin Pierce, then President of the United States, referring to the duties collected under the act of 1846, a Democratic low-tariff act, it is true, but still high enough to raise a surplus, said:

The principle that all moneys not required for the current expenses of the Government should remain for active employment in the hands of the people, and the conspicuous fact that the annual revenue from all sources exceeds by many millions of dollars the amount needed for a prudent and economical administration of public affairs can not fail to suggest the propriety of an early revision and reduction of the tariff of duties on imports.

The remedy which Franklin Pierce recommended for a surplus of revenue was a reduction of tariff duties. The modern doctrine is that the remedy would be an increase of duties. It is true—and I would not attempt to conceal it—that the Committee on Ways and Means of the House, to which that message was referred, submitted a report challenging the President's view as announced in the passage I have read; but that report was prepared by the honorable Mr. Campbell, of Ohio, who was then a protectionist, though he was elected to Congress after the war as a Democrat. But, Mr. President, whether President Pierce or Congressman Campbell was right is not material in this connection, because we do not hope to approach a point when any reduction of the duties, as recommended in this bill, could possibly increase the revenues of the Government. It is perfectly true that if you reduce the duty on an article until you make it possible to sell the imported article below the cost of the domestic article, you would drive the domestic article from the market and so greatly increase the importation of the foreign article as to augment the revenue. It is also true that by reducing a prohibitory duty to a revenue or a protective rate, you would certainly increase the revenue. But there is not the remotest possibility of increasing the revenue, even if we should be able to reduce the duties of this bill by as much as 33½ per cent.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. ALDRICH. I do not like to disturb the thread of the Senator's argument.

Mr. BAILEY. The Senator is welcome to interrupt me.

Mr. ALDRICH. What does the Senator expect to accomplish by reducing rates of duty? Does he expect to increase importations or decrease them?

Mr. BAILEY. In my opinion, an average reduction of 33½ per cent in the duties imposed by the present law would not greatly increase our importations, and the chief effect of such a reduction would be to compel the American manufacturer to abate a portion of his present unconscionable profit.

Mr. ALDRICH. If it did not increase the importations, it could have no effect upon the American market, I assume.

Mr. BAILEY. Oh, yes.

Mr. ALDRICH. In what way?

Mr. BAILEY. A reduction might still leave the duty so high that the foreign article could not enter and compete.

Mr. ALDRICH. Then no change would take place.

Mr. BAILEY. A change in domestic prices would take place. That would occur in this way—under the reduced duty the imported article might be sold below the former domestic price, and it would be necessary to reduce the domestic price to prevent that.

Mr. ALDRICH. Does the Senator mean that American manufacturers and producers can reduce their prices 33½ per cent and still make a profit?

Mr. BAILEY. Some of them could.

Mr. ALDRICH. That is a very extravagant statement.

Mr. BAILEY. I repeat that some American manufacturers could reduce their price 33½ per cent and still make a fair profit on their actual investment. That, however, was not the statement which I made and to which the Senator from Rhode Island took exception. My statement was that a reduction of 33½ per cent in the duties imposed by the pending bill would not greatly increase our importations; and the Senator from Rhode Island understands, of course, that a reduction of 33½ per cent in duties does not involve, by any means, a reduction of 33½ per cent in price. Many of these protected industries, however, could easily prosper under a 33½ per cent reduction in profits. The United States Steel Corporation, for example, took properties worth less than \$350,000,000 and capitalized them at more than a billion dollars, and they are netting an annual profit of about 7 per cent on that fictitious capitalization. Obviously, that corporation could reduce its profits 33½ per cent and still make more than a legitimate profit upon the fair value of its property.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. The United States Steel Company has perhaps, say, 40 or 45 or possibly 50 per cent of the steel production of the United States. Does the Senator from Texas think that all the other steel producers in the United States could reduce their prices 33½ per cent to-day and still make a profit?

Mr. BAILEY. If I may be permitted to judge by the size and velocity of their automobiles, or by the size and equipment of their yachts, or by their other thousand extravagances which they flaunt in the faces of American consumers who are taxed to pay for them, I should say they could. They might not be able to go to Europe every summer; they might be compelled to curtail their self-indulgences; but both they and the American people would be better off for that.

Mr. ALDRICH. Does the Senator think that the average profits of the people who are engaged in production in the United States—I mean to include them all, great and small—is more than 33½ per cent annually, regularly?

Mr. BAILEY. Of course not. The census shows that the annual increase in our wealth under the Democratic tariff of 1846 was over 10 per cent; but under Republican tariff it has never been over 8 per cent. That is the general average increase; but many specially favored industries have increased several times that much. Though not professing to be an expert, I know enough about manufacturing conditions to warrant me in declaring that the protected industries of this country could net their stockholders a fair profit and sell their goods under a tariff reduction of 33½ per cent.

Mr. TILLMAN. Will the Senator from Texas allow me?

Mr. BAILEY. Certainly.

Mr. TILLMAN. I misunderstood the reasoning of the Senator from Rhode Island in his speech the other day if he did not confess or mean to confess that a reduction in tariff meant an increase in revenue. I took it to mean that he acknowledged that so many duties were prohibitive that there were no im-

ports, and therefore no revenue, whereas a reduction would mean that there would be imports and an increase in revenue.

Mr. BAILEY. The Senator from South Carolina correctly construes the statement of the Senator from Rhode Island, and he makes, in stating what he understood, a very proper criticism against this bill. The statement of the Senator from Rhode Island was undoubtedly equivalent to saying that this bill fixes the duty so high as to prevent importations, and that to reduce these duties would permit the introduction of imported articles.

Mr. ALDRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. Whenever I am ready to interpret this bill and to express my opinion of the Democratic doctrine of tariff for revenue only as enunciated by the fathers, I will give my own interpretation and shall not feel bound by any interpretation made by the Senator from Texas or the Senator from South Carolina.

Mr. BAILEY. Nor by your own previous interpretations.

Mr. ALDRICH. I think I shall.

AN INCOME TAX.

Mr. BAILEY. I now come to state, and I shall state them as briefly as I can, the reasons which have induced me to believe that an income tax ought to be adopted as a settled and permanent part of our fiscal policy. The extraordinary increase in our public expenditures during the last twenty years has rendered it necessary for us to collect in every year a sum of money so great as to almost confuse the human mind; and, of course, the people must supply this money in some way. In searching for that way I could find no better plan for raising a part of this stupendous aggregate than the one which I am proposing. Under any circumstances an income tax is more equitable than a tax on consumption. It is more just as between the different classes, and it better conforms to that sound canon of taxation which enjoins upon us to lay all taxes on those who can bear them with the least inconvenience; and this general advantage is emphasized by our present condition, for the cost of living has increased so enormously during the last few years that the plainest dictates of humanity require some abatement in the taxes on articles of necessary and daily use.

I have laid this tax on no one whose income does not exceed \$5,000; and certainly no truthful man can look his neighbor in the face and say that with an income of more than \$5,000 he will be seriously embarrassed by the payment of a moderate tax to the General Government. Under my amendment an income of \$10,000 would only be required to contribute \$150 to the General Treasury.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Certainly.

Mr. ALDRICH. I should like to have the Senator state, if it is not objectionable to him, by what process he arrives at \$5,000 as the correct sum for which a man should be taxed, and not a lower sum? Why not \$4,000 or \$3,000 or \$2,000?

Mr. BAILEY. That is an easy question to answer. Under the Republican policy of protection a man is taxed on almost everything he consumes, and I have fixed the exemption at \$5,000 on the theory that an income of that amount is consumed, and having paid a tax to the Government, or a tribute to its favorites, in spending it, I thought it simple fairness not to tax him when he was earning it. In other words, I let him take it in without a tax because I knew he had to pay a tax when he paid it out; and assuming that a \$5,000 income was a consumable one, I exempted it from the tax. But that is not all. I was following the rule of laying a tax on those who can bear it with the least inconvenience, and I fixed the exemption at \$5,000 so that no man could complain that the Government is taking something from him which he needs.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BURKETT. I observe there are two rates. In some instances the minimum is \$4,000.

Mr. BAILEY. The Senator is mistaken.

Mr. BURKETT. That is as I recall it. I was interested in knowing why the Senator distinguished between \$5,000 and \$4,000.

Mr. BAILEY. The old act fixed the exemption at \$4,000 and levied a rate of 2 per cent. I have raised the exemption to \$5,000 and the rate to 3 per cent, actuated in both cases by the

same general principle. I wanted to lift the burden from every man who could fairly complain that the tax subtracted from his comfort, and I wanted to lay it on those who can bear it without giving up anything that an American citizen must have.

Mr. BURKETT. But I understand as the Senator's bill is now drawn it leaves two minimums, one class with an income of \$5,000, another class \$4,000.

Mr. BAILEY. Oh, no. The Senator has probably been misled by the fact that when I had the administrative features of the old law copied, there was no change made in that part of it which required corporations to report the earnings of employees not below \$4,000. But that is a clerical error, easily corrected and certain to be corrected. In that part of the amendment which levies the tax and which fixes the exemption, the change was properly made, because I drew that myself, whereas I instructed my secretary to copy the administrative features of the old law, and it was sent in that form to the printing office and without the proper correction.

Mr. BURKETT. It is an error?

Mr. BAILEY. Merely a clerical error in the administrative provisions.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Certainly.

Mr. ALDRICH. I understand that the Senator from Texas assumes that \$5,000 is the average amount consumed by the people of the United States.

Mr. BAILEY. I assume it for the purpose of this bill.

Mr. ALDRICH. The average earnings of the wage-earners of the United States we will assume, for the purpose of this argument, is less than \$1,000 a year. Of course those people do not consume \$5,000, and to them a \$2,000 income is the income of a privileged class, and I see no reason why those people should not pay an income tax as well as the man who has \$5,000—I mean proportionately.

Mr. BAILEY. It is not easy to draw a line below which no tax should be levied, and any minimum must be an arbitrary one. I know the information which the Senator seeks. I know what he wants me to admit, and I will oblige him. I fixed this at \$5,000 for the further reason that I wanted to affect as few people as possible, so that it might provoke as little opposition as possible among the people. Is the Senator satisfied?

Mr. ALDRICH. In other words, the Senator wants to enact legislation that is distinctly class in its character—

Mr. BAILEY. Oh, no.

Mr. ALDRICH. For the purpose of getting popular support or votes.

Mr. BAILEY. Oh, no. I had first fixed it according to a rule which I believe just and wise, and which the Senator from Rhode Island will not impeach. Perhaps I have no right to say he will not; but I will see if he will. Does the Senator from Rhode Island agree to the rule that all taxes ought to be laid upon those best able to bear them with the least inconvenience?

Mr. ALDRICH. Certainly.

Mr. BAILEY. Then the Senator has no right to say that I am trying to establish a class distinction, because I am levying a tax where its burden will be least felt, and in accordance with a rule which the Senator himself has just approved.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Rhode Island?

Mr. ALDRICH. But the Constitution of the United States and every code of ethics or morals that I know of proposes that taxes shall be levied with uniformity. I do not mean with exact uniformity as to all people, or according to the means of the people to pay; and I think it is doubtful whether we have any right, either constitutionally or any other way, to impose taxes upon one class of people and exempt another class.

Mr. BAILEY. That is a rather serious criticism against the Republican party, because under the leadership and during the Presidency of Abraham Lincoln they levied an income tax that exempted some people while taxing others. It is true they did not make the exemption so great as I have made it, but it is likewise true that the scale of living was not then so high as it is to-day.

I did not forget, Mr. President, that in our larger cities a man must have an income of well nigh \$5,000 to live in comfort and educate his children, and I do not want any man to have a right to say that in taking this tax for the Government's support I have either taken from his wife a comfort or taken from his children the priceless blessing of an education; and no man can say either under this exemption of \$5,000. The Senator

from Rhode Island knows as well as I do that in a large family the education of the girls and boys costs almost half an income of \$5,000. Maybe it ought not to be so, and let us hope that it will not always be so; but it is so, and I was dealing with conditions as I found them and not as I would like to have them.

Mr. ALDRICH. The great masses of the laboring people in this country are to-day competing with labor which is paid 6 cents a day, 25 cents a day, 60 cents a day, or an income of say from fifty to three or four hundred dollars a year. The average earnings of the laboring people of this country are, as I have already stated, less than a thousand dollars a year, or about \$700, as I remember them. Now you are suggesting to those men that you will not tax to any extent the man who earns two, three, four, five, or ten times as much as they do, a hundred times as much as the people who compete with them in the various industries in which they are engaged, and that you propose to levy those taxes upon the higher class of earnings in the United States, for the purpose of reducing the protection which by law and by the declared policy of our party we now give them.

Mr. BAILEY. I would be glad to join the Senator from Rhode Island in a real protection to the American laborer by making it impossible, through our immigration laws, for that cheap labor about which he speaks to come here and compete with an American citizen of any condition or station in life. [Applause in the galleries.] That is the kind of protection I would give the American laborer.

The VICE-PRESIDENT. The Senator from Texas will suspend. Occupants of the galleries must not indulge in signs of approval or disapproval.

Mr. ALDRICH. As I understand the Senator from Texas, he would prohibit the importation into this country of cheap laborers of other countries, but he is only too willing to reduce the duties upon articles, so that the products of that cheap labor can come in here in competition with our own.

Mr. BAILEY. The Senator states that as his conclusion, but it is very far from being correct. Still, I will not be drawn into that discussion now.

Mr. President, the laboring man who receives only \$700 a year, has no right to complain because we do not tax the man who receives seventeen hundred. If we taxed him and exempted somebody else, then he would have a full right to condemn us for that discrimination, but so long as we lay no tax on him, he has no right to complain because we do not begin to tax the others until we pass the point which the highest comfort seems to require; and the laboring men of the United States have not authorized the Senator from Rhode Island to lay any such complaint as that against my amendment. He will find small audiences in labor centers when he comes to complain to those people because I did not tax somebody else, for the intelligent laboring man will tell him that I began the taxation where it ought to begin, which is at the point where it will subtract nothing from the comfort of men and women or from the education of girls and boys. That is the line which I have followed, and that is the line which, mark my words, the American people will command all men to follow in the years to come.

Mr. OWEN and Mr. ALDRICH addressed the Chair.

The VICE-PRESIDENT. To whom does the Senator from Texas yield?

Mr. BAILEY. To the Senator from Oklahoma first, and then to the Senator from Rhode Island.

Mr. OWEN. I suggest that the sensibilities of the Senator from Rhode Island with regard to the complaint of the laboring man against the income tax that does not descend below \$5,000 might be met by a further amendment of this proposed measure of the Senator from Texas by providing a rate of 5 per cent on incomes exceeding \$1,000,000, which would make amends for the neglect of these smaller incomes.

Mr. ALDRICH. I am sure the Senator from Texas does not need the added ingenuity of the Senator from Oklahoma to find new methods of imposing taxes. Mr. President, what the laboring men of this country would have a right to complain about in the proposition of the Senator from Texas, stated as he does in a bold way, is this: They would have a right to complain about the imposition of an income tax when its purpose, as announced by its author and by three-quarters of its supporters, is to reduce the protection which the law affords to them in competition with the cheap labor of other countries, when the proposition has, in the words of the Senator from Texas, that avowed and distinct purpose.

Mr. BAILEY. That, of course, is apart from the particular phase of the question to which I am now addressing myself. Having explained to my own satisfaction, and I hope to the satisfaction of those who agree with me on the main question, my

purpose in exempting all incomes up to \$5,000, I will now endeavor to justify the tax imposed on all above that sum.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BAILEY. I do.

Mr. BURKETT. I wish to make a suggestion to the Senator right there. In connection with what was said a moment ago this brings up a point which perhaps he is going to discuss. The exemption that has been suggested here has never troubled me quite so much as several of the exemptions, for example, that the Senator in his amendment makes specifically. If there is one exemption that has impressed me more than another it is the exemption that you necessarily must make. The Senator recognizes them, and he exempts those who hold United States bonds, those who hold state bonds, and some other classes of bonds. Now, take the real estate proposition. I have not looked up the matter, I will say to the Senator, with a view of making a speech, and I have not the exact dates, but as I remember all the decisions from the beginning to the last have practically held that land taxes and capitation taxes are direct taxes. They have been decided by all, as I remember the decisions, to be direct taxes. As I remember the decisions—perhaps there are some that I do not recall—they have never disputed the proposition that when you assess the income from the land you are assessing the land.

Mr. BAILEY. There was no case in the books which held that, until the Pollock case.

Mr. BURKETT. As I said, I do not recall any decision that holds you can assess the income from land, however that may be derived. What I was going to get at is this, and this is my question. The unfairness of the law has never disturbed me, because we can make the limit. If \$5,000 is too much we can reduce it. But how are you ever going to get over the unfairness in the case of the man who has his million, say, invested in county, state, municipal, district, and United States bonds? The Senator specifically excepts them. How are you ever going to make the law fair in the case of that kind of a man, who, in my opinion, contributes the least to society and the least to the Government of any other man on earth? The man who simply buys bonds and goes and hides himself away and clips his coupons is the man who contributes the least to society. Yet the Senator recognizes in his own measure that we must except that man from the provisions of the bill. That has been the phase of it, I will say to the Senator, which has given me more concern than any other feature.

Mr. BAILEY. The Senator from Nebraska ought not to allow himself to be troubled by any doubt on that point, because their exemption proceeds upon the uniform decision of the court that a tax on the income from such bonds is a tax on the operation and instrumentalities of the Government. These exemptions are made imperative by the rule that the Federal Government can not tax the instrumentalities of a State, nor can a State tax the instrumentalities of the Federal Government.

It is impossible for me to comprehend how any man with an income above \$5,000 can reconcile with his patriotism an objection to the payment of this tax. If the Government could be administered without taxing anybody, then I could easily understand that a prosperous citizen would rebel against it as an effort to punish him for his prosperity; but knowing that somebody must contribute the money which the Government spends, it would seem to me that the self-respect of every man would inspire him not only to pay his part, but to insist upon paying it as a privilege of American citizenship. Will any Senator here or will any citizen elsewhere contend that it is right and just to compel the man without property and whose daily toil must supply his daily wants to bear a greater portion of the common expense than is borne by the man of fortune? And yet that is precisely what happens under our present system. Many rich men contribute nothing toward the Federal Government's support, but there is not one among all the laborers of this land who does not pay, and in many instances he is compelled to pay, much more than his proper share. I have in my mind now an instance which I am sure is familiar to many Senators. There is in the city of New York a property valued, I am told, at many million dollars owned by an expatriated American. I shall not call his name, because it would not be consistent with the dignity of this place for me to name a private person; but I can with propriety use his case to emphasize my argument. With several million dollars' worth of well-selected real estate in the city of New York, this man does not contribute a farthing to the General Government's support. He does not assist even in the emergency of war to pay the expense of rais-

ing armies and equipping navies to protect his property from the guns of a hostile fleet.

When Congress was called upon to provide for the cost of that war with Spain, I sought to reach fortunes like his, but a Republican majority denied my motion, and they raised the millions which were spent in that unfortunate and unnecessary conflict from consumption rather than from wealth. They refused to lay a tax on incomes then, but they did not hesitate to tax articles of such common use as tobacco; and the poorest laborer in Rhode Island, with nothing but his patriotism to serve, contributed more to the expenses of that Spanish war when he bought a plug of cheap tobacco than did this expatriated millionaire on his ten millions' worth of real estate. Will any Senator contend that this was right? Not only, sir, was this Rhode Island laborer, when he purchased a plug of cheap tobacco, compelled to contribute more money toward the war than this expatriated millionaire, but that Rhode Island laborer was also subject to his country's call to arms, while the millionaire was far beyond the reach of danger or privation. I denounce it as a grotesque absurdity to say that this Government can call the laborer from his shop, the farmer from his field, the merchant from his store, the lawyer from his office, the husband from the bosom of his family, and the son from his widowed mother's side and send them forth to fight the battles of our country, and yet it can not compel this expatriated millionaire to contribute one dollar toward purchasing the arms and ammunition with which our patriots must defend his property. I do not believe in any system of taxation which lays a heavy hand upon the poor and lets the rich go free, and I do not believe that our fathers limited, or intended to limit, this Government in such a manner as to compel it to perpetrate that injustice.

Mr. ALDRICH. Will the Senator permit me?

Mr. BAILEY. I will.

Mr. ALDRICH. How does the Senator expect to reach the expatriated millionaire who has \$10,000,000 worth of real estate in the city of New York?

Mr. BAILEY. I would tax its income.

Mr. ALDRICH. Notwithstanding the decision of the Supreme Court of the United States?

Mr. BAILEY. There are four other decisions contrary to that one, and two of them expressly sustained a law exactly like this which I have drafted.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Utah?

Mr. BAILEY. Certainly.

Mr. SUTHERLAND. I understand the Senator from Texas to say that the decision of the Supreme Court in reference to the income on land was dissented from by four of the justices.

Mr. BAILEY. I did not say that, but it is true.

Mr. SUTHERLAND. I understood the Senator to say that four had dissented.

Mr. BAILEY. No; I did not advert to that, but it is a fact.

Mr. SUTHERLAND. That four had voted differently.

Mr. BAILEY. I said there were four other decisions.

Mr. SUTHERLAND. I misunderstood the Senator. But the Senator does say now, as I understand him, that four of the justices dissented from that holding. As I remember the decision of the Supreme Court, upon the first hearing the decision was 6 to 2, and that decision was—

Mr. BAILEY. I do not understand that to be true. It is true—and, I suppose that is the way the Senator derives the impression—that there were but two of the justices who wrote dissenting opinions; but I think nobody can read Justice Brown's dissenting opinion in the rehearing and doubt that he voted with Justice Harlan and Justice White in the original case.

Mr. SUTHERLAND. Then, the Senator from Texas must admit there were at least 5 to 3.

Mr. BAILEY. The Senator from Texas does not know that, though he thinks it is true.

Mr. SUTHERLAND. If I may remind the Senator of that decision, I think he will see that it must be true. The first decision, as I recall it, was only upon the question of the income arising from land, and the majority decision of the Supreme Court was that the income derived from land partook of the nature of the realty, and therefore was not subject to an income tax.

The court then proceeded to say that upon the other question the court was equally divided, 4 to 4. Therefore upon that question the court must have been divided, as I have stated, at least 5 to 3. So there never were four judges who dissented, as I understand the decision, upon that particular question.

Mr. BAILEY. I assume that to be true as to the first decision; but as we know nothing about the secrets of the conference room, it might be that one judge took no part in the decision. It is one of those unfortunate cases where a change of opinion on the rehearing has brought the whole matter into something of a scandal. There is no doubt, however, that on the rehearing four justices denied the correctness of that doctrine.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Will the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. Certainly.

Mr. NELSON. If my recollection is correct, on the rehearing there were four judges dissenting, and every one of them read an opinion dissenting from the majority of the court. On the final hearing there was only one opinion, that of Chief Justice Fuller, against the law, and each of the four dissenting judges read an opinion. Judge Jackson was in poor health and read a very short opinion, but the other judges read complete opinions and three of the judges who sided with the majority never read any opinion at all from first to last.

Mr. BAILEY. That is true, Mr. President. It will be remembered by the lawyers who are familiar with the case that Mr. Justice Jackson rose from a sick bed to participate in it and went back to that sick bed, never again, as I recall it now, taking an active part in any decision. The Senator from Utah states correctly that the original decision confined the invalidity of the law to the income from real estate. But the subsequent opinion delivered upon a rehearing contradicts, as I will attempt to show, that first opinion. But, Mr. President, I am not going to begin with that case when I come to discuss the constitutionality of an income tax. I will start with the first case, in 1794.

Not only is an income tax more equal than any other as between all taxpayers, but it is more just as between every taxpayer and the Government, or at least it can be paid more conveniently.

Under the system of ad valorem taxation a citizen's property might be assessed at \$100,000—it might be a magnificent building filled with tenants, at good rents and of prompt pay. That building might yield \$15,000 per annum when occupied; but, if the day after the assessment became operative, a destructive fire should gather it in its hot embrace and lay it down a mass of charred and blackened ruins, under a system of ad valorem taxation the owner would be compelled to pay the same taxes on it, though it would bring him nothing that year, as he would have paid had it escaped the conflagration and yielded him a revenue of \$15,000 a year. It is not so under an income tax, which rises and falls with each man's ability to pay it. If the property that last year fetched the owner \$15,000 should be destroyed or be vacant the better part of this year, and the income should shrink to \$3,000, the taxes would shrink with it. Under the \$15,000 income, he would enjoy his \$5,000 exemption and pay 3 per cent only on his \$10,000 excess, which he could well afford to pay, but under a condition where it netted him only \$3,000, his income from it would not reach the limit of exemption, and he would not pay a farthing toward the Government's support. An income tax is only exacted when the citizen is able to pay, and the exaction is measured by his ability to pay.

WILL MAKE A NATION OF LIARS.

But to all of this our opponents answer that the tax is inquisitorial and will make us a "nation of liars." Even if what they say in that regard is true, it is not more true of this than it is of every other law that levies taxes. Every tax law inquires closely into our financial condition, and some men will swear a lie to evade any tax; but this is chargeable against the nature of taxation and against the depravity of man, and not against this particular kind of a tax. It no more violates the privacy of your business affairs to compel you to state your income and the sources of it than it does to compel you to list every piece of your property, including the personal ornaments and jewelry of your wife, as you are now required to do in all the States. Not only are all taxes inquisitorial, but they must be so, or otherwise the honest men would pay them and the dishonest men would cheat the law. I do not like to have a tax assessor ask me for an inventory of my property, but I give it without objection, and I would state my income as freely as I would describe the property from which I derive it. I have sought in this amendment—and to that extent it is a copy of the other laws—to guard the business of every citizen against the idle curiosity of gossips, and I have made it a crime for any officer or employee of the Government to divulge, except under proper conditions, the return which a citizen must make

to the internal-revenue collector. This is a protection which is not extended in all the States.

Why should an income tax make us "a nation of liars" any more than our tariff or our present internal-revenue taxes? There is nothing about an income which it is so necessary to conceal, and certainly an income tax is not more difficult to pay because it is never demanded from a citizen unless his business shows a profit. It calls none to the collector's office except those who have enjoyed a prosperous year, and surely a man whose enterprises have yielded him a profit will not commit a perjury to save a moderate tax. I feel as certain as I do of any event which is yet to come that the income tax will be paid as honestly and as promptly as other taxes are, and I repel as a libel on the American character this oft-repeated assertion that our prosperous people will perjure themselves to avoid its payment. That some of them will do so, I have no doubt, because I know that they evade their present taxes; but no honest man will swear a lie in order to keep the money which belongs in justice and in law to the Government. I hate a liar of every degree, but if one could be more despicable than another, the worst of all is the man of fortune who will commit a perjury in order to shift a burden which belongs to him to the backs and the appetites of the poor, and I would so frame the law as to double his taxes through penalties prescribed for such misconduct. Indeed, I would hunt him down, and I would take from him tenfold as much as I would require an honest man to pay, and then I would brand him forever as a perjurer and a tax dodger.

I hold no brief to defend the rich men of America, but I think better of them than some of them think of themselves, for while many of them say they will lie to escape this tax, I believe that is true of only a small portion of them. I have known some men who would defraud the Government out of a thousand dollars in taxes and then pay \$5,000 for an automobile; but surely the American Congress will not be asked to desist from passing a just and equal law because some men are so low as that. There are ripe scholars who say that the history of all nations attests that after the wealth of men has reached and passed a certain point it makes them more selfish and less patriotic. I have never subscribed to that philosophy and I hope that my experience will never convince me of its truth; but if it be true that an income tax will make this "a nation of liars," then I must admit that wealth debases human nature. With every income of \$5,000 or less exempt, no man can be tempted to tell a lie for the sake of giving to those he loves what they are bound to have, and it is a fearful indictment of our people to say that the most prosperous of them are so dishonest. Will any millionaire consider it a compliment to him that you refused to pass an income tax law because you thought it would make a liar out of him? Do you think that such an explanation will flatter his self-respect or increase his pride?

Mr. President, I would hate to think that wealth engenders crime, for I was taught that integrity is a virtue of the mind and not of a condition. I have always despised the men who have sought to incite class hatred and I have never felt any tolerance for the demagogue who is always declaiming against the rich. It has been enough for me to believe that a man is a man whether rich or poor, and I want to live and die in that belief. I know the poor man does his duty by his country and though he may have no property on which to pay a tax, his strong arm and his brave heart are always at his Government's command. He has no magnificent castles over which great armies and mighty navies stand in sullen guard, but he responds with eager step whenever his country calls him to its defense. He knows that a battle may cost his life, or what is worse than death, may leave him a captive of the enemy, but he does not stop to count those perils when the summons comes. The poor enjoy no favor from the Government except the protection which it affords them and for this they pay by protecting the Government in every crisis. They perform its jury service in times of peace, and fight its battles in times of war. They seldom ask to be excused from one, and never hire a substitute to perform the other service. Will the rich men of this land admit themselves so inferior to the poor that from their millions they will not give a paltry sum while the poor give freely of their blood?

The chief expense of every government is incurred in the protection of property and in the maintenance of order, in which the rich are so immediately concerned; and will they confess before their countrymen that they will not give even a small part of their incomes to a government whose protection they are so ready to invoke and which follows them in every land through which they travel, protecting them from insult and oppression? If I were counsel for the rich, the first advice

that I would tender them would be to advocate a law like this and thus testify to all their countrymen that they are more than ready to bear their part of the burden of this Government. If they would do that, it would do more to silence the envious voice of anarchy than all the benefactions and the charities which they can do. Let it be understood at once and for all time to come that the rich are willing at least to do justice to the poor by relieving them from a burden which they ought not to bear and let us hear no more of this insulting doctrine that a prosperous American citizen will perjure his soul rather than to pay his taxes.

But, Mr. President, we are told that even if the income tax is as just and as equal as we claim, and if it did not cultivate the odious vice of lying, this Congress has no power to pass such a law, because the courts have held it to be a direct tax and therefore unconstitutional unless apportioned according to population. It is to that question which, with the permission of the Senate, I shall now proceed.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Utah?

Mr. BAILEY. I do.

Mr. SUTHERLAND. Before the Senator passes to a discussion of the law of the question, I wanted to ask him a question with reference to the merits of the proposition.

Mr. BAILEY. Very well.

Mr. SUTHERLAND. I understood the Senator to eulogize somewhat extravagantly this form of taxation as being perhaps the most perfect form. I understand that this form of taxation is open to all the States of the Union as well as to the Federal Government, as claimed by the Senator, and I also understand that there is but one State in the Union, namely, Massachusetts, where this form of taxation is indulged in. Has the Senator any opinion upon the question as to why the various States of the Union have not resorted to this form of taxation if it is as perfect a form as the Senator thinks?

Mr. BAILEY. I have. It is simply because States do not readily alter their methods of taxation, and the reasons for a change are not so potential there as here.

Mr. BACON. May I suggest to the Senator from Texas that there is an additional reason? In the States taxes are levied ad valorem, and the men pay taxes in proportion to their ability, in a large degree, not as perfectly as under the income tax, but certainly much more perfectly than under the indirect tax through the medium of a tariff upon imports.

Mr. BAILEY. That is true, Mr. President, and I thank the Senator for adding it to what I have said. That is what I meant by saying that the reasons were not the same. If the States had been confined to a tax on consumption or remitted to a tax on incomes, they would have taxed incomes long ago.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BAILEY. I do.

Mr. BURKETT. I think the statement which seems to have been agreed on here might be somewhat corrected. There are more States than Massachusetts that have an income tax. I think Pennsylvania has one; and as I recall it, Louisiana has some sort of an income tax. Both the Carolinas, I think, have some sort of an income assessment. I think there are at least half a dozen States that have some form of an income tax.

Mr. BAILEY. My impression is that there are three States with income taxes. But I did not choose to go into that. The Senator from Utah [Mr. SUTHERLAND] stated that there is but one, and I did not challenge it, though my impression is different, because it was apart from my argument, and what I must say will occupy too much of the Senate's time.

Before entering upon an examination of the law, I desire to say that I understand as well as anybody the delicacy of discussing in the Senate a decision of the Supreme Court; and especially do I understand the delicacy of assailing its correctness. I shall observe the proprieties of my position and of this place sufficiently to govern what I say by a fair discretion, but I do not think that any American citizen or that any American Senator is precluded from a just and respectful criticism of the action of any department of this Government. I am willing, sir, to stand uncovered in the presence of the Supreme Court, but I am not willing to be silenced by its decision. I reject the slavish doctrine that because the judges have spoken, all men must receive their speech in silence. The judgment of that court will always govern me in each particular case, and I will submit to the execution of its decrees with decorum and without resistance; but the opinion of that court as to the constitutional power of Congress is no more controlling with me than would be the well-considered opinion of a Senator or a private citizen of equal character and ability.

Under the Constitution the power to decide what is the law must rest somewhere, and I believe that it has been wisely confided to that great tribunal. It ought not to rest with those who make a law to judge whether that law be consistent with the Constitution; nor should it rest with him upon whom we fix the responsibility of executing the laws after we have made them, because to vest in him the power to say whether or not a law be valid would subject the legislation of our country to judgment of a Chief Executive who might not be a lawyer. I therefore readily agree to that decision which withholds from us and withholds from the Executive the right to determine what is and what is not the law when tested by the Constitution. I freely agree that the court shall have that power and that its decision in each particular case is as supreme as the sovereignty of this Government can make it; but I utterly deny that I must concur in their opinions whenever given and to whatever effect they be. The decision of that court can no more control me when I come to exercise my function and my right as a legislator than my decision in making a law should control them in construing it. What we do here, as was well said by Justice Chase, is persuasive there, and what they say there is almost conclusive here, but not quite so, or, at least, it ought not to be, and I sincerely trust that it will never be. I intend to discuss the income-tax case respectfully, but I intend to discuss it plainly. I intend to say, and I think I am justified in saying, that there were some arguments advanced in that first opinion which would be described as pettifoggery if a lawyer had addressed them to the court.

Having said this much, I want to say one thing more. I have no patience with the insinuation which I have heard whispered in many places that the decision in the Pollock case was tainted with corruption. I do not believe it; I do not believe there is a justice on that bench now, and I do not believe that one ever sat there whose judgment could be purchased at any price. I do not believe that all the gold that miners have ever dug from the bowels of the earth and all the treasures that conquering armies have laid at the feet of their royal masters could tempt the smallest of them to sell his judgment. But while I utterly repudiate the suggestion that these judges were corrupt, I do not embrace the equally unfounded notion that they are infallible. They may err as well as other men, and their errors are not made sacred against protest and discussion because they happen to be judicial. Having said this much, I shall speak with greater freedom about the court's decisions, which I shall now proceed to consider.

Mr. CLAPP. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. I do.

Mr. CLAPP. Mr. President, I suggest that the Senator from Texas has now been speaking for some time, and I think I observe some evidence, perhaps, of weariness. I do not believe he can get through with the legal phases of his argument to-day, and I think it would be much better if the legal argument should be now postponed and concluded to-morrow by the Senator, if that meets his approval.

Mr. BAILEY. I would really prefer that course. I think myself that the legal argument should be made as distinct and as separate as possible, because I am of the opinion that the only opposition to this amendment, as it will be expressed, will be predicated upon invalidity of such a law; and, if it meets the views of the Senate, I shall be very glad to suspend now and to conclude the legal argument to-morrow, if it suits the Senate to hear me then.

EXECUTIVE SESSION.

Mr. ALDRICH. I am glad to conform to the wishes of the Senator from Texas, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 27, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 26, 1909.

CONSULS.

Edward I. Nathan, of Pennsylvania, now consul of class 9 at Patras, to be consul of the United States of America of class 8 at Mersine, Turkey, vice A. Donaldson Smith, nominated to be consul of class 9 at Patras.

A. Donaldson Smith, of North Carolina, now consul of class 8 at Mersine, to be consul of the United States of America of class 9 at Patras, Greece, vice Edward I. Nathan, nominated to be consul of class 8 at Mersine.

UNITED STATES DISTRICT JUDGE.

Edward E. Cushman, of Washington, to be United States district judge, third division, district of Alaska, commencing July 1, 1909, under the provisions of the act of Congress approved March 3, 1909 (public, No. 322).

CIVIL SERVICE COMMISSIONER.

James Thomas Williams, jr., of North Carolina, to be a Civil Service Commissioner, vice Henry F. Greene, resigned.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from April 22, 1909.

Dr. Arthur Freeborn Chace, of New York.
Dr. Edward Elisha Dorr, of Iowa.
Dr. John William Keefe, of Rhode Island.
Dr. John Johnson Kyle, of Indiana.
Dr. Lewis Linn McArthur, of Illinois.
Dr. Charles Mayrant Rees, of South Carolina.

To be first lieutenants, with rank from April 23, 1909.

Dr. Adolphe Manger Giffin, of South Dakota.
Dr. Samuel C. Gurney, of Michigan.
Dr. James Adams Hayne, of South Carolina.
Dr. William Seagrove Magill, of New York.
Dr. Arlington Pond, of Vermont.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the navy from the 2d day of February, 1909, upon the completion of three years' service in present grade:

Nathaniel H. Wright,
Roland R. Riggs,
Edward F. Greene,
Isaac C. Johnson, jr., and
Richard P. McCullough.

The following-named lieutenants (junior grade) to be lieutenants in the navy from the 2d day of February, 1909, to fill vacancies existing in that grade on that date:

Nathaniel H. Wright,
Roland R. Riggs, and
Edward F. Greene.

Passed Asst. Surg. Charles N. Fiske to be a surgeon in the navy from the 1st day of September, 1907, vice Surg. Corbin J. Decker, retired.

Asst. Surg. Howson W. Cole to be a passed assistant surgeon in the navy from the 5th day of October, 1908, upon the completion of three years' service in present grade.

Surgs. Robert E. Ledbetter and Charles St. J. Butler to be surgeons in the navy from the 19th day of September, 1908, and the 11th day of October, 1908, respectively, to correct the dates from which they take rank caused by the failure of an officer senior to them to qualify for promotion.

Second Lieut. William L. Burchfield to be a first lieutenant in the Marine Corps to fill a vacancy made on September 28, 1908, by the appointment of First Lieut. Logan Tucker as an assistant quartermaster, and to take rank from July 16, 1908, the date of the expiration of his one year's loss of numbers on account of his failure to qualify for promotion and suspension therefrom, to correct the date from which he takes rank as confirmed on April 8, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26, 1909.

UNITED STATES DISTRICT JUDGE.

Learned Hand to be United States district judge, southern district of New York.

UNITED STATES DISTRICT ATTORNEYS.

George H. Gordon to be United States attorney for the western district of Wisconsin.

Harold A. Ritz to be United States attorney for the southern district of West Virginia.

RECEIVER OF PUBLIC MONEYS.

William C. Blair to be receiver of public moneys at Montrose, Colo.

SURVEYOR-GENERAL.

Edward P. Kingsbury to be surveyor-general of Washington.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. Solomon W. Roessler to be colonel.
Maj. David Du B. Gaillard to be lieutenant-colonel.
Capt. William J. Barden to be major.

First Lieut. Arthur Williams to be captain.
Second Lieut. William A. Johnson to be first lieutenant.

INFANTRY ARM.

First Lieut. Albert R. Dillingham to be captain.
First Lieut. William R. Gibson to be captain.
Second Lieut. Albert B. Hatfield to be first lieutenant.
Second Lieut. Reginald H. Kelley to be first lieutenant.

CAVALRY ARM.

Lieut. Col. Cunliffe H. Murray to be colonel.
Maj. Frederick W. Sibley to be lieutenant-colonel.
Capt. John C. Waterman to be major.

COAST ARTILLERY CORPS.

Capt. Henry H. Whitney to be major.
First Lieut. Willis G. Peace to be captain.
Second Lieut. Your M. Marks to be first lieutenant.

MEDICAL CORPS.

Capt. Elbert E. Persons to be major.
Capt. William N. Bispham to be major.

POSTMASTERS.

INDIANA.

Russell W. Addington, at Ridgeville, Ind.
Charles H. Bell, at Ossian, Ind.
Albert Boley, at National Military Home, Ind.
George Clevenger, at Parker, Ind.
Henry L. Connelly, at Rosedale, Ind.
George W. Kilmer, at Wakarusa, Ind.
James E. Leonard, at Gas City, Ind.
H. D. Moore, at Moores Hill, Ind.
Samuel Morris, at Eaton, Ind.
Henry F. Radcliff, at Piercetown, Ind.
John P. Russell, at Kewanna, Ind.

NORTH DAKOTA.

James M. Bunker, at Ellendale, N. Dak.

OHIO.

James L. McDonald, at Wellsville, Ohio.

HOUSE OF REPRESENTATIVES.

Monday, April 26, 1909.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Thursday, April 22, 1909, was read and approved.

SWEARING IN OF A MEMBER.

The SPEAKER laid before the House the credentials of Mr. JAMES H. CASSIDY, a Representative-elect from the twenty-first district of Ohio, which were read.

Mr. CASSIDY appeared at the bar of the House and took the oath of office.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAWLEY, for eight days, beginning May 3, 1909, on account of important business.

To Mr. THOMAS of North Carolina, indefinitely, on account of sickness in family.

To Mr. COWLES, for one week, on account of important business.

To Mr. KOPP, until May 2, on account of trip to Panama.

To Mr. ADAMSON, indefinitely, on account of sickness.

ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolutions:

H. J. Res. 45. Joint resolution making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress; and

H. J. Res. 38. Joint resolution repealing joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, approved March 2, 1909.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. RUCKER of Missouri, on behalf of Mr. BORLAND, withdrew from the files of the House, without leaving copies, the papers in the case of Charles Sells, Sixtieth Congress, no adverse report having been made thereon.